

Clinger Cohen Act of 1996 and Related Documents

This document is published for Department of Defense information technology and other professionals who acquire, manage, and use information technology.

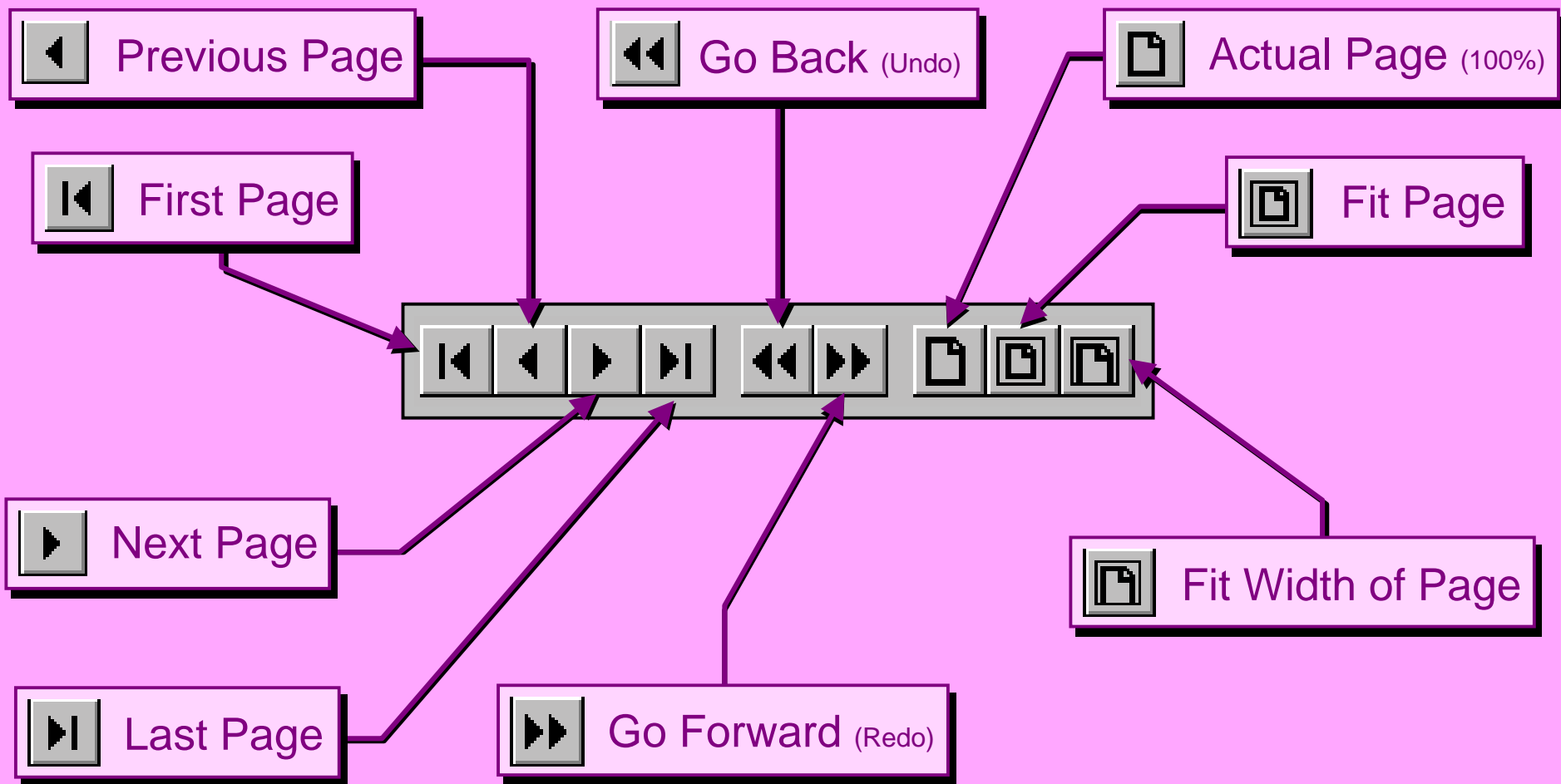
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Foreword

This document is published for Department of Defense (DoD) information technology (IT) and other professionals who acquire, manage, and use IT. It consists of:

- The Clinger-Cohen Act of 1996 that shapes DoD's and other Federal Agencies' approaches to IT acquisition and management;
- The House of Representatives Report 104-450, National Defense Authorization Act for Fiscal Year 1996, Conference Report, that provides an historical legislative perspective for the Act;
- Title 10, United States Code, Section 2223 that gives additional responsibilities to the DoD CIO and the CIOs of the Military Departments;
- Executive Order 13011, "Federal Information Technology," that provides policy guidance for significantly improving the acquisition and management of IT by implementing the Clinger-Cohen Act and the Paperwork Reduction Act of 1995;
- Secretary of Defense Cohen's Memorandum, "Implementation of Subdivision E of the Clinger-Cohen Act of 1996 (Public Law 104-106)," June 2, 1997, that defines and clarifies how the Act will be implemented in DoD, and the responsibilities of the DoD Chief Information Officer (CIO) vis-à-vis those of the Military Department CIOs;
- Deputy Secretary of Defense Hamre's Memorandum, "DoD Chief Information Officer Executive Board," March 31, 2000, and DoD CIO Executive Board Charter; and
- Deputy Secretary of Defense Hamre's Memorandum, "DoD Chief Information Officer (CIO) Guidance and Policy Memorandum No. 8-8001 - March 31, 2000 - Global Information Grid," March 31, 2000.

The impetus for the enactment of the Clinger Cohen Act was the Federal Government's increased reliance on IT, and the resulting increased attention and oversight on its acquisition, management and use. For example, the "Computer Chaos" report, released by U.S. Senator William S. Cohen of Maine in 1994, highlighted some long-standing, systematic problems such as those identified below that the Clinger-Cohen Act was intended to resolve.

- Insufficient attention to (a) the way business processes are conducted, and (b) opportunities to improve these processes before investing in the IT that supports them;
- Investments in new systems for which Agencies had not adequately planned, and which did not work as intended and did little to improve mission performance;
- Implementation of ineffective information systems resulting in waste, fraud, and abuse; and
- Outdated approaches to buying IT that do not adequately take into account the competitive and fast pace nature of the IT industry.

On February 10, 1996, the President signed the Information Technology Management Reform Act (ITMRA) into law; ITMRA together with the Federal Acquisition Reform Act became known as the Clinger-Cohen Act. Coupled with other reform legislation,¹ the Clinger-Cohen Act provides the statutory foundation for correcting the deficiencies described above. To streamline IT acquisitions and minimize layered approvals, the Clinger-Cohen Act rescinds the Brooks Act, and eliminates the delegation of procurement authority at the General Services Administration.

It requires that major Federal Agencies establish the position of Chief Information Officer having clear authority, responsibility and accountability for the Agency's information resources management activities, and providing for greater coordination among the Agency's information.

The CIO's job is critical to ensuring that the mandates of the Act are implemented to include ensuring that IT investments:

- Support core mission functions, be undertaken because no alternative private sector or other government source can effectively support the function, and support work processes that have been redesigned or otherwise improved;
- Are consistent with the Agency's architecture that integrates work processes and information flows with technology to achieve the Agency's mission and strategic plan;
- Reflect a portfolio management approach where decisions on whether to invest in IT are based on potential return, and decisions to terminate or make additional investments are based on performance – much like an investment broker is measured and rewarded based on managing risk and achieving results; and
- Reduce risk and enhance manageability by discouraging "grand" information system projects, and encouraging incremental, phased approaches.

Further details on the law and its legislative history can be found in the Clinger-Cohen Act and The House of Representatives Report 104-450, National Defense Authorization Act for Fiscal Year 1996, Conference Report, that provides an historical legislative perspective for the Act.

On July 16, 1996, the President issued Executive Order (EO) 13011, "Federal Information Technology." Among other provisions, it calls for the establishment of the Federal CIO Council as the principal interagency forum to improve Agency practices on such matters as the design, modernization, use, sharing, and performance of Agency information resources. In addition to the DoD CIO,² required by law, EO 13011 also allows for Military Department CIOs to participate on the Federal CIO Council.

Having the legislative and regulatory underpinning in place, Secretary of Defense Cohen issued guidance on the implementation of the Act within DoD. There are three key features of the memorandum, "Implementation of Subdivision E of the Clinger-Cohen Act of 1996 (Public Law 104-106)," June 2, 1996. First, Secretary Cohen delegates to the DoD CIO all of the responsibilities given to the Agency Head in the Act.

Second, the Secretary clarifies the responsibilities of the DoD CIO vis-à-vis those of the Military Department CIOs. Specifically, the DoD CIO advises the Secretary and promotes improvements to DoD work processes and supportive information resources. The Military Department CIOs act as advisors to the DoD CIO and implement the policy and guidance issued by the DoD CIO.

Third, the Secretary establishes the DoD CIO Council and, similar to the Federal CIO Council, the DoD Council is intended as the principal DoD forum to discuss improvements in DoD practices for the management of IT.

Three years after the enactment of Clinger-Cohen, the Congress strengthened the responsibilities of the DoD CIO and the Military Department CIOs. Title 10, USC, Section 2223 gives to the DoD CIO additional responsibilities in the areas of DoD budget requests, interoperability, standards, as well as elimination of IT duplication. Military Department CIOs are given similar responsibilities within their respective organizations.

¹ *Government Performance and Results Act (GPRA) of 1993; Chief Financial Officers (CFO) Act of 1990; Paperwork Reduction Act (PRA) of 1995; Government Management Reform Act (MRA) of 1994; Federal Acquisition Streamlining Act (FASA) of 1994, and Federal Acquisition Reform Act (FRA) of 1996.*

² *On March 14, 1996, the Deputy Secretary of Defense designated the Assistant Secretary of Defense (C3I) as the CIO of the Department of Defense.*

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Clinger-Cohen Act

On February 10, 1996, the President signed the Information Technology Management Reform Act (ITMRA) into law; ITMRA together with the Federal Acquisition Reform Act became known as the Clinger-Cohen Act.

Public Law 104–106
104th Congress

An Act

Feb. 10, 1996
[S. 1124]

National Defense
Authorization
Act for Fiscal
Year 1996.

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 1996”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Federal Acquisition Reform.
- (5) Division E—Information Technology Management Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Extension of time for submission of reports.

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Sec. 5304. Recommended legislation.

Sec. 5305. Rule of construction.

Subtitle B—Specific Pilot Programs

Sec. 5311. Share-in-savings pilot program.

Sec. 5312. Solutions-based contracting pilot program.

**TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT
MATTERS**

Sec. 5401. On-line multiple award schedule contracting.

Sec. 5402. Identification of excess and surplus computer equipment.

Sec. 5403. Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code.

**TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE
COMPTROLLER GENERAL**

Sec. 5501. Period for processing protests.

Sec. 5502. Availability of funds following GAO resolution of challenge to contracting action.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

Sec. 5601. Amendments to title 10, United States Code.

Sec. 5602. Amendments to title 28, United States Code.

Sec. 5603. Amendment to title 31, United States Code.

- Sec. 5604. Amendments to title 38, United States Code.
Sec. 5605. Provisions of title 44, United States Code, relating to paperwork reduction.
Sec. 5606. Amendment to title 49, United States Code.
Sec. 5607. Other laws.
Sec. 5608. Clerical amendments.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

- Sec. 5701. Effective date.
Sec. 5702. Savings provisions.
Sec. 5703. Rules of construction.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term “congressional defense committees” means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

- (1) the date established for submittal of the report in such provision or amendment; or
- (2) the date that is 45 days after the date of the enactment of this Act.

**DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS**

TITLE I—PROCUREMENT

**Subtitle A—Authorization of
Appropriations**

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

- (1) For aircraft, \$1,558,805,000.
- (2) For missiles, \$865,555,000.
- (3) For weapons and tracked combat vehicles, \$1,652,745,000.
- (4) For ammunition, \$1,093,991,000.
- (5) For other procurement, \$2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

- (1) For aircraft, \$4,572,394,000.
- (2) For weapons, including missiles and torpedoes, \$1,659,827,000.
- (3) For shipbuilding and conversion, \$6,643,958,000.
- (4) For other procurement, \$2,414,771,000.

(2) RENEGOTIATION AND MODIFICATION OF PREEXISTING CONTRACTS.—Except as specifically provided in this division, nothing in this division shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) CONTINUED APPLICABILITY OF PREEXISTING LAW.—Except as otherwise provided in this division, a law amended by this division shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, January 1, 1997.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

Information
Technology
Management
Reform Act of
1996.
40 USC 1401
note.

SEC. 5001. SHORT TITLE.

This division may be cited as the “Information Technology Management Reform Act of 1996”.

SEC. 5002. DEFINITIONS.

40 USC 1401.

In this division:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(3) INFORMATION TECHNOLOGY.—(A) The term “information technology”, with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term “information technology” includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term “information technology” does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) INFORMATION RESOURCES.—The term “information resources” has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) INFORMATION RESOURCES MANAGEMENT.—The term “information resources management” has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) INFORMATION SYSTEM.—The term “information system” has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) COMMERCIAL ITEM.—The term “commercial item” has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

40 USC 1411. SEC. 5111. RESPONSIBILITY OF DIRECTOR.

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

40 USC 1412. SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

Public information. (b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

Reports. (c) USE OF BUDGET PROCESS.—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive

agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) **INFORMATION TECHNOLOGY STANDARDS.**—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

(e) **DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.**—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) **USE OF BEST PRACTICES IN ACQUISITIONS.**—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) **ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.**—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) **COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.**—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) **TRAINING.**—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) **INFORMING CONGRESS.**—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) **PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.**—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT. 40 USC 1413.

(a) **IN GENERAL.**—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) **EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.**—

(1) **REQUIREMENT.**—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) **DIRECTION FOR EXECUTIVE AGENCY ACTION.**—The Director shall issue to the head of each executive agency clear and concise direction that the head of such agency shall—

(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the

results of all of its major investments in information systems;

(B) determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—

(A) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

Subtitle C—Executive Agencies

SEC. 5121. RESPONSIBILITIES.

40 USC 1421.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.

40 USC 1422.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

40 USC 1423.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

Reports.

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

40 USC 1424.

SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

40 USC 1425.

SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking out “senior official” and inserting in lieu thereof “Chief Information Officer”;

(B) in paragraph (2)(B)—

(i) by striking out “senior officials” in the first sentence and inserting in lieu thereof “Chief Information Officers”;

(ii) by striking out “official” in the second sentence and inserting in lieu thereof “Chief Information Officer”; and

(iii) by striking out “officials” in the second sentence and inserting in lieu thereof “Chief Information Officers”; and

(C) in paragraphs (3) and (4), by striking out “senior official” each place it appears and inserting in lieu thereof “Chief Information Officer”; and

(2) in subsection (c)(1), by striking out “official” in the matter preceding subparagraph (A) and inserting in lieu thereof “Chief Information Officer”.

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—

(1) have information resources management duties as that official’s primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

Reports.

(d) INFORMATION TECHNOLOGY ARCHITECTURE DEFINED.—In this section, the term “information technology architecture”, with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency’s strategic goals and information resources management goals.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Information Officer, Department of Agriculture.

“Chief Information Officer, Department of Commerce.

“Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

“Chief Information Officer, Department of Education.

“Chief Information Officer, Department of Energy.

“Chief Information Officer, Department of Health and Human Services.

“Chief Information Officer, Department of Housing and Urban Development.

“Chief Information Officer, Department of Interior.

“Chief Information Officer, Department of Justice.

“Chief Information Officer, Department of Labor.

“Chief Information Officer, Department of State.

“Chief Information Officer, Department of Transportation.

“Chief Information Officer, Department of Treasury.

“Chief Information Officer, Department of Veterans Affairs.

“Chief Information Officer, Environmental Protection Agency.

“Chief Information Officer, National Aeronautics and Space Administration.

“Chief Information Officer, Agency for International Development.

“Chief Information Officer, Federal Emergency Management Agency.

“Chief Information Officer, General Services Administration.

“Chief Information Officer, National Science Foundation.

“Chief Information Officer, Nuclear Regulatory Agency.

“Chief Information Officer, Office of Personnel Management.

“Chief Information Officer, Small Business Administration.”.

40 USC 1426.

SEC. 5126. ACCOUNTABILITY.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

SEC. 5127. SIGNIFICANT DEVIATIONS.

40 USC 1427.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

SEC. 5128. INTERAGENCY SUPPORT.

40 USC 1428.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Subtitle D—Other Responsibilities

SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

40 USC 1441.

(a) STANDARDS AND GUIDELINES.—

(1) AUTHORITY.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

Federal Register,
publication.

(2) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) WAIVER OF STANDARDS.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

Federal Register,
publication.

(d) DEFINITIONS.—In this section, the terms “Federal computer system” and “operator of a Federal computer system” have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)).

(e) TECHNICAL AMENDMENTS.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—

(A) in paragraph (2), by striking out “the Computer Security Act of 1987 (40 U.S.C. 759 note)” and inserting in lieu thereof “sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3 and 278g-4), section 5131 of the Information Technology Management Reform Act of 1996, and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)”; and

(B) in paragraph (3), by striking out “the Computer Security Act of 1987 (40 U.S.C. 759 note)” and inserting in lieu thereof “the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1996 and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)”; and

(2) in section 3518(d), by striking out “Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or”.

SEC. 5132. SENSE OF CONGRESS.

40 USC 1442.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

Subtitle E—National Security Systems

SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

40 USC 1451.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title does not apply to national security systems.

(b) **EXCEPTIONS.**—

(1) **IN GENERAL.**—Sections 5123, 5125, and 5126 apply to national security systems.

(2) **CAPITAL PLANNING AND INVESTMENT CONTROL.**—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) **PERFORMANCE AND RESULTS OF INFORMATION TECHNOLOGY INVESTMENTS.**—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

40 USC 1452.

(a) **DEFINITION.**—In this subtitle, the term “national security system” means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) **LIMITATION.**—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SEC. 5201. PROCUREMENT PROCEDURES.

40 USC 1461.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk,

incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) **POLICY.**—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

41 USC 434.

“SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

“(a) **IN GENERAL.**—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

“(b) **MODULAR CONTRACTING DESCRIBED.**—Under modular contracting, an executive agency’s need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

“(c) **IMPLEMENTATION.**—The Federal Acquisition Regulation shall provide that—

“(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

“(A) are easier to manage individually than would be one comprehensive acquisition;

“(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

“(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

“(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

“(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

“(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

“Sec. 35. Modular contracting for information technology.”.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.

40 USC 1471.

(a) IN GENERAL.—

(1) **PURPOSE.**—The Administrator for Federal Procurement Policy (hereinafter referred to as the “Administrator”), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) **MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.**—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) **NUMBER.**—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) **AMOUNT.**—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed \$750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) **IN GENERAL.**—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) **CONTINUING VALIDITY OF CONTRACTS.**—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 5302. EVALUATION CRITERIA AND PLANS.

40 USC 1472.

(a) **MEASURABLE TEST CRITERIA.**—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) **TEST PLAN.**—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed

test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

40 USC 1473.

SEC. 5303. REPORT.

(a) **REQUIREMENT.**—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) **CONTENT.**—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

40 USC 1474.

SEC. 5304. RECOMMENDED LEGISLATION.

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

40 USC 1475.

SEC. 5305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

Subtitle B—Specific Pilot Programs

40 USC 1491.

SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) **REQUIREMENT.**—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) **LIMITATIONS.**—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out one project and enter into not more than five contracts for the project.

(c) **SELECTION OF PROJECTS.**—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

40 USC 1492.

SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) **IN GENERAL.**—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using

solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submis-

sion of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to

the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between \$25,000,000 and \$100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between \$1,000,000 and \$5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) MONITORING BY GAO.—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

Reports.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

40 USC 1501.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as "FACNET"), not later than January 1, 1998, Government-wide on-line computer

access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) **ADDITIONAL FACNET FUNCTIONS.**—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) **STREAMLINED PROCEDURES.**—

(1) **PILOT PROGRAM.**—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) **APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.**—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

Notification.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term “FACNET” means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT. 40 USC 1502.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

40 USC 1503.

SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

**TITLE LV—PROCUREMENT PROTEST
AUTHORITY OF THE COMPTROLLER
GENERAL****SEC. 5501. PERIOD FOR PROCESSING PROTESTS.**

Title 31, United States Code, is amended as follows:

(1) Section 3553(b)(2)(A) is amended by striking out “35” and inserting in lieu thereof “30”.

(2) Section 3554 is amended—

(A) in subsection (a)(1), by striking out “125” and inserting in lieu thereof “100”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking out “Government Operations” and inserting in lieu thereof “Government Reform and Oversight”; and

(ii) in paragraph (2), by striking out “125” and inserting in lieu thereof “100”.

SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting “or other action referred to in subsection (b)” after “protest” the first place it appears;

(B) by striking out “90 working days” and inserting in lieu thereof “100 days”; and

(C) by inserting “or other action” after “protest” the second place it appears; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

“(b) Subsection (a) applies with respect to—

“(1) any protest filed under subchapter V of chapter 35 of this title; or

“(2) an action commenced under administrative procedures or for a judicial remedy if—

“(A) the action involves a challenge to—

“(i) a solicitation for a contract;

“(ii) a proposed award of a contract;

“(iii) an award of a contract; or

“(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

“(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 1558. Availability of funds following resolution of a formal protest or other challenge”.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

“1558. Availability of funds following resolution of a formal protest or other challenge.”.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) PROTEST FILE.—Section 2305(e) is amended by striking out paragraph (3).

(b) MULTIYEAR CONTRACTS.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, United States Code, is amended by striking out “Section 111” and all that follows through “use of equipment or services if,” and inserting in lieu thereof the following: “For the purposes of the Information Technology Management Reform Act of 1996, the term ‘national security systems’ means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which”.

SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) REFERENCES TO BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out “section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)” and inserting in lieu thereof “the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1996”;

(2) in subsection (g), by striking out “sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)” and inserting in lieu thereof “section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)”;

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) REFERENCES TO AUTOMATIC DATA PROCESSING.—Section 612 of title 28, United States Code, is further amended—

(1) in the heading, by striking out the second word and inserting in lieu thereof “**Information Technology**”;

(2) in subsection (a), by striking out “Judiciary Automation Fund” and inserting in lieu thereof “Judiciary Information Technology Fund”; and

(3) by striking out “automatic data processing” and inserting in lieu thereof “information technology” each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:

“§ 310. Chief Information Officer

“(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

“(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1996.”.

SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

“(9) the term ‘information technology’ has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1996 but does not include national security systems as defined in section 5142 of that Act;”

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”.

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out “sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)” and inserting in lieu thereof “the Information Technology Management Reform Act of 1996 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)”.

(d) COLLECTION OF INFORMATION.—Section 3507(j)(2) of such title is amended by striking out “90 days” in the second sentence and inserting in lieu thereof “180 days”.

SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out “or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies”.

SEC. 5607. OTHER LAWS.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(1) in subsection (a)—

(A) by striking out “section 3502(2) of title 44” each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof “section 3502(9) of title 44”; and

(B) in paragraph (4), by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”;

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out “section 111(d) of the Federal Property and Administrative Services Act of 1949” and inserting in lieu thereof “section 5131 of the Information Technology Management Reform Act of 1996”; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—

(A) in paragraph (1)(B)(v), by striking out “as defined” and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—

(i) by striking out “system’—” and all that follows through “means” in subparagraph (A) and inserting in lieu thereof “system’ means”; and

(ii) by striking out “; and” at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724) is amended by striking out “by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))”.

40 USC 759 note.

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

(A) by striking out “Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949,” and inserting in lieu thereof “Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1996,”; and

(B) by striking out “Copies” and all that follows through “Code.”.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out “of automatic data processing and telecommunications equipment and services or”.

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

“310. Chief Information Officer.”.

40 USC 1401
note.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.

SEC. 5702. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS.—

(1) PROCEEDINGS GENERALLY.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) **ORDERS.**—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) **DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.**—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) **OTHER AUTHORITY AND PROHIBITION.**—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) **REGULATIONS FOR TRANSFER OF PROCEEDINGS.**—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) **STANDARDS AND GUIDELINES FOR FEDERAL COMPUTER SYSTEMS.**—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

SEC. 5703. RULES OF CONSTRUCTION.

(a) **RELATIONSHIP TO TITLE 44, UNITED STATES CODE.**—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) **RELATIONSHIP TO COMPUTER SECURITY ACT OF 1987.**—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100-235) and the amendments made by such Act.

Approved February 10, 1996.

LEGISLATIVE HISTORY—S. 1124 (H.R. 1530) (S. 1026):

HOUSE REPORTS: Nos. 104-131 (Comm. on National Security) and 104-406 (Comm. of Conference), both accompanying H.R. 1530, and 104-450 (Comm. of Conference).

SENATE REPORTS: No. 104-112 accompanying S. 1026 (Comm. on Armed Services).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Sept. 6, considered and passed Senate.

Vol. 142 (1996): Jan. 5, considered and passed House, amended, in lieu of H.R. 1530.

Jan. 24, House agreed to conference report.

Jan. 26, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Feb. 10, Presidential statement.



HR Report 104-450
Conference Report

DIVISION E--INFORMATION TECHNOLOGY MANAGEMENT REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

The Senate amendment contained provisions with government-wide acquisition and management issues related to information technology. The House bill also contained provisions relating to bid protest jurisdictions. The conferees considered all of these provisions before agreeing to include Division E in the conference agreement.

The conferees agree that:

- (1) federal information systems are critical to the lives of every American;
- (2) the efficiency and effectiveness of the federal government is dependent upon the effective use of information;
- (3) the federal government annually spends billions of dollars operating obsolete information systems;
- (4) the use of obsolete information systems severely limits the quality of the services that the federal government provides, the efficiency of federal government operations, and the capabilities of the federal government to account for how taxpayer dollars are spent;
- (5) the failure to modernize federal government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered;
- (6) despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement;
- (7) poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of \$200,000,000,000 on information systems during the decade preceding the enactment of this Act;
- (8) the federal government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations;

(9) many federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions;

(10) federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the federal government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry;

(11) buying, leasing, or developing information systems should be a top priority for federal agency management because of the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public; and,

(12) structural changes in the federal government, including elimination of the Brooks Act (section 111 of the Federal Property and Administrative Services Act of 1949, as amended), are necessary in order to improve federal information management and to facilitate federal government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of federal government operations.

The conferees agree that action is necessary on the part of Congress in order to:

(1) create incentives for the federal government to strategically use information technology in order to achieve efficient and effective operations of the federal government, and to provide cost effective and efficient delivery of federal government services to the taxpayers;

(2) provide for the cost effective and timely acquisition, management, and use of effective information technology solutions;

(3) transform the process-oriented procurement system of the federal government, as it relates to the acquisition of information technology, into a results-oriented procurement system;

(4) increase the responsibility and authority of officials of the Office of Management and Budget and other federal government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions;

(5) ensure that federal government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector;

(6) promote the development and operation of multiple-agency and government-wide, inter-operable, shared information resources to support the performance of federal government missions;

(7) reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, federal government information systems;

(8) increase the capability of the federal government to restructure and improve processes before applying information technology;

(9) increase the emphasis placed by federal agency managers on completing effective capital planning and process improvement before applying information technology to the executing of plans and the performance of agency missions;

(10) coordinate, integrate, and, to the extent practicable, establish uniform federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of federal government programs and the delivery of services to the public;

(11) strengthen the partnership between the federal government and state, local, and tribal governments for achieving federal government missions, goals, and objectives;

(12) provide for the development of a well-trained core of professional federal government information resources managers; and,

(13) improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

The following is a section-by-section description of the provisions adopted by the conferees. Section 5001 sets forth a short title 'The Information Technology Management Reform Act of 1996' and Section 5002 sets forth definitions.

TITLE LI--RESPONSIBILITY FOR ACQUISITION OF INFORMATION TECHNOLOGY

SUBTITLE A--GENERAL AUTHORITY

Repeal of central authority of the Administrator of General Services (sec. 5101)

The conference agreement includes a provision that would repeal section 111 of the Federal Property and Administrative Services Act of 1949, as amended.

SUBTITLE B--DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Responsibility of Director (sec. 5111)

The conference agreement includes a provision that would require the Director of the Office of Management and Budget to comply with this title. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees agree that in undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

The conferees encourage the establishment of interagency groups to support the Director by examining areas of information technology, to include: telecommunications, software engineering, common administrative and programmatic applications, computer security and information policy, all of which would benefit from a government-wide or multi-agency perspective; the promotion of cooperation among agencies in information technology matters; the review of major or high risk

information technology acquisitions; and the promotion of the efficient use of information technology that supports agency missions. The interagency groups should: identify common goals and requirements; develop a coordinated approach to meeting certain agency requirements, such as budget estimates and procurement programs; identify opportunities to share information that would improve the agency performance and reduce costs of agency programs; make recommendations regarding protocols and other standards for information technology, including security standards; and make recommendations concerning interoperability among agency information systems. The conferees also encourage the establishment of temporary special advisory groups, composed of experts from industry, academia, and the Federal Government, to review government-wide information technology programs, major or high risk information technology acquisitions, and information technology policy.

Capital planning and investment control (sec. 5112)

The conference agreement includes a provision that would describe the Director's responsibilities under 44 USC 3504(h) that relate to promoting and sustaining responsibility and accountability for improvement of the acquisition, use, and disposal of information technology by executive agencies.

The conferees agree that the Director, in developing a process related to major agency capital investments, should: ensure that the process identifies opportunities for interagency cooperation; ensure the success of high risk and high return investments; develop requirements for agency submission of investment information needed to execute the process; ensure that agency information resources management plans are integrated into the agency's program plans, financial management plans, and budgets for the acquisition and use of information technology designed to improve agency performance and the accomplishment of agency missions; and identify three categories of information systems investments--(1) high risk--those projects that, by virtue of their size, complexity, use of innovative technology, or other factors, have an especially high risk of failure; (2) high return--those projects that by virtue of their total potential benefits, in proportion to their costs, have particularly unique value to the public; and (3) crosscutting--those projects of individual agencies, with shared benefit to or impact on other federal agencies and state or local governments, that require enforcement of operational standards or elimination of redundancies. Finally, the conferees also agree that the Director, to encourage the use of best business and administrative practices, should identify and collect information regarding best practices, to include information on the development and implementation of best practices by the executive agencies. The Director should provide the executive agencies with information on best practices, and advice and assistance regarding the use of best practices.

Performance-based and results-based management (sec. 5113)

The conference agreement includes a provision that would require the Director to encourage performance and results-based management for agency information technology programs. The Director is required to review agency management practices based on the performance and results of its information technology programs and investments. The Director is required to issue clear and concise directions to ensure that agencies have effective and efficient capital planning processes that are used to select, control, and evaluate the results of major information systems investments and to ensure that agency information security is adequate.

The conferees agree that the Director's direction to agencies regarding performance and results-based management of information technology resources shall contain the following: (1) that each executive agency and its major subcomponents institute effective and efficient capital planning processes for selecting, controlling, and evaluating the results of all of its major information systems investments; (2) that the agency maintain a current and adequate information resources management plan, and to the maximum extent practicable, specifically identify the method for

acquisition of information technology expected to improve agency operations, and otherwise benefit the agency; (3) that the agency provide for adequate integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and the agency budgets for the acquisition and use of information technology and other information resources. In addition, the conferees agree that OMB shall provide the needed oversight, through the budget process and other means, to ensure that executive agencies assume responsibility, and effectively implement suitable performance and results-based management practices.

SUBTITLE C--EXECUTIVE AGENCIES

Responsibilities (sec. 5121)

The conference agreement includes a provision that would require the head of each executive agency to comply with this subtitle. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees encourage the establishment and support of independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the agency head, to advise an agency head about information systems programs.

Capital planning and investment control (sec. 5122)

The conference agreement includes a provision that would require agencies to develop a process for furthering their responsibilities under 44 U.S.C. 3506(h). The head of the agency is required to design and develop a process for maximizing the value and assessing and managing the risk of the agency's information technology acquisitions.

Performance and results-based management (sec. 5123)

The conference agreement includes a provision that would require agencies to establish goals for and report on the progress of improving efficiency and effectiveness of agency operations through use of information technology, as required by 44 U.S.C. 3506(h). The head of an executive agency must ensure that performance measures are established to support evaluating the results and benefits of information technology investments.

The conferees agree that, in fulfilling the responsibilities under this section, agency heads should ensure that: (1) before investing in information technology to support a function, the agency determines whether that function should be performed in the private sector or by an agency of the federal government; (2) the agency adequately provides for the integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and adequately prepares budgets for the acquisition and use of information technology; (3) the agency maintains a current and adequate information resources management plan, and to the maximum extent practicable, specifically identifies how acquired information technology would improve agency operations and otherwise benefit the agency; and (4) the agency invests in efficient and effective interagency and government-wide information technology to improve the accomplishment of common agency missions or functions.

Acquisitions of information technology (sec. 5124)

The conference agreement includes a provision that would authorize the head of an executive agency to acquire information technology and, upon approval of the Director of OMB, enter into multi-agency information technology investments. The conferees intend that the requirements and limitations of the Economy Act, and other provisions of law, apply to these multiagency acquisitions. This section also authorizes the General Services Administration (GSA) to continue the management of the FTS-2000 program and coordinate the follow-on effort to FTS-2000.

Agency chief information officer (sec. 5125)

The conference agreement includes a provision that would amend the Paperwork Reduction Act of 1995 by replacing the 'senior information resources management official position' established within each executive agency with an agency Chief Information Officer (CIO). The agency CIO is responsible for providing information and advice regarding information technology and information resources management to the head of the agency, and for ensuring that the management and acquisition of agency information technology is implemented consistent with the provisions of this law.

The conferees anticipate that agencies may establish CIOs for major subcomponents or bureaus, and expect agency CIOs will possess knowledge of, and practical experience in, information and information technology management practices of business or government entities. The conferees also intend that deputy chief information officers be appointed by agency heads that have additional experience in business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities. The conferees intend that CIOs, in agencies other than those listed in 31 U.S.C. 901(b), perform essentially the same duties as CIOs in agencies listed in 31 U.S.C. 901(b).

The conferees expect that an agency's CIO will meet periodically with other appropriate agency officials to advise and coordinate the information technology and other information resources management activities of the various agencies.

Accountability (sec. 5126)

The conference agreement includes a provision that would require the head of each agency, in consultation with agency Chief Information Officers and Chief Financial Officers, to ensure the integration of financial and information systems. The conferees intend that the information resources management plan, required under 44 U.S.C. 3506(b)(2), support the performance of agency missions through the application of information technology and other information resources, and include the following: (1) a statement of goals to improve the extent to which information resources contribute to program productivity, efficiency, and effectiveness; (2) the development of methods to measure progress toward achieving the goals; (3) the establishment of clear roles, responsibilities, and accountability to achieve the goals; (4) a description of an agency's major existing and planned information technology components (such as information systems and telecommunications networks); (5) the relationship among the information technology components, and the information architecture; and (6) a summary of the project's status and any changes in name, direction or scope, quantifiable results achieved, and current maintenance expenditures for each ongoing or completed major information systems investment from the previous year. The conferees also intend that agency heads will periodically evaluate and improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

Significant deviations (sec. 5127)

The conference agreement includes a provision that would require agencies to identify in their information resources management plans any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

Interagency support (sec. 5128)

The conference agreement includes a provision that would authorize the utilization of funds for interagency activities in support of the Information Technology Reform Act.

SUBTITLE D--OTHER RESPONSIBILITIES.

Responsibilities regarding efficiency, security, and privacy of federal computer systems (sec. 5131)

The conference agreement includes a provision that would set forth the authority for the Secretary of Commerce, in consultation with the National Institute of Standards and Technology, to promulgate standards to improve the operation, security, and privacy of Federal information technology systems.

Sense of Congress (sec. 5132)

The conference agreement includes a provision stating that agencies, over the next five years, should achieve a five percent per year decrease in costs incurred for operation and maintenance of information technology, and a five percent increase in operational efficiency through improvements in information resources management.

SUBTITLE E--NATIONAL SECURITY SYSTEMS

The conference agreement includes a provision that would exclude national security systems from provisions of this Act, unless otherwise provided in this Act.

TITLE LII--PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Procurement procedures (sec. 5201)

The conference agreement includes a provision that would direct the Federal Acquisition Regulatory Council to ensure, to the maximum extent practicable, that the information technology process is simplified, clear, and understandable. The process should specifically address the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

The conferees agree that, in performing oversight of information technology acquisitions, the Director of the Office of Management and Budget, agency heads, and agency inspectors general should emphasize program results and established performance measurements, rather than reviews of the acquisition process.

Incremental acquisition of information technology (sec. 5202)

The conference agreement includes a provision that would provide for procedures in the Federal Acquisition Regulations for the incremental acquisition of major information technology systems by the Department of Defense and the civilian executive agencies.

TITLE LIII--INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

SUBTITLE A--CONDUCT OF PILOT PROGRAMS

The conference agreement includes provisions that would authorize the Administrator of Office of Federal Procurement Policy, in consultation with the Administrator of Office of Information and Regulatory Affairs, to: conduct pilot programs to test alternative acquisition approaches for information technology; conduct no more than two pilots, not to exceed \$750 million for a period not to exceed five years; require agency heads to develop evaluation and test plans; prepare and submit test plans to Congress prior to implementation; report on results within 180 days after completion; and make recommendations for legislation.

SUBTITLE B--SPECIFIC PILOT PROGRAMS

The conference agreement includes provisions that would provide for two specific pilot programs, the share-in-savings pilot program and the solutions-based contracting pilot program.

TITLE LIV--ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

On-line multiple award schedule contracting (sec. 5401)

The conference agreement includes a provision that would require the Administrator of General Services to provide for on-line access to multiple award schedules for information technology. The system would provide basic information on prices, features, and similar matters, allow for information updates, enable comparison of product information, enable on-line ordering and invoicing, permit on-line payment, and archive order data. The provision would also authorize a pilot program to test streamlined procedures for the automated system. The conference agreement directs the Administrator of General Services to incorporate its information technology multiple award schedules into Federal Acquisition Computer Network (FACNET) by January 1, 1998, and would make the pilot program discretionary. The conferees agree that the procedures established by the Administrator for use of FACNET be consistent with the Federal Property and Administrative Services Act requirements regarding the multiple award schedule (41 U.S.C. 259(B)(3)). If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection 259(b)(1) and meets the requirement of subsection 259(b)(2).

Disposal of excess computer equipment (sec. 5402)

The conference agreement includes a provision that would require agencies to inventory all agency computer equipment and to identify excess or surplus property. The conferees direct that the Administrator of General Services, in exercising current authority under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), donate federal surplus personal property to public organizations. The conferees direct the Administrator to prescribe regulations that establish a priority for the donation of surplus computer equipment in the following sequence: (1) elementary and secondary schools, and schools funded by the Bureau of Indian Affairs; (2) public libraries; (3) public colleges and universities; and (4) other entities eligible for donation of federal surplus personal property under title II of that Act.

Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code (sec. 5403)

The conference agreement includes a provision that would ensure that, for agency information systems that disseminate information to the public, an index of information is included in the Government Printing Office (GPO) directory established under 44 U.S.C. 4101.

In 1993, Congress directed the GPO to create an online directory, of federal public information in electronic form (Public Law 103-40). Today, that system is accessible to the general public directly and through the Federal Depository Libraries. Yet, in the two years since enactment of the GPO access bill, technology has moved forward dramatically in its ability to support location and search of the physically-distributed, locally-maintained databases. Congress recognized this shift in the Paperwork Reduction Act of 1995 (Public Law 104-13). That Act requires Federal agencies to ensure access to agency public information by 'encouraging a diversity of public and private sources'. It also directs the Office of Management and Budget to establish a distributed, electronic, agency-based Government Information Locator Service (GILS) to identify the major information dissemination products of each agency. As the Senate report noted (S. Rept. 104-112), GILS: '* * * will provide multiple avenues for public access to government information by pointing to specific agency information holdings. To make this possible, agencies' systems must be compatible. Thus, agency GILS information should be available to the public through the Government Printing Office Locator System (established pursuant to Public Law 103-40) in addition to any other required methods, agencies may choose to efficiently and effectively provide public and agency access to GILS.'

Section 5403 further clarifies the intent of Congress to ensure the widest possible access to Federal public information through a diversity of compatible sources.

TITLE LV--PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

The conference agreement includes a provision that would require the Comptroller General to issue a decision relating to a bid protest within 100 days.

TITLE LVI--CONFORMING AND CLERICAL AMENDMENTS

The conference agreement includes a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE LVII--EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULE OF CONSTRUCTION

Effective date (sec. 5701)

The conference agreement includes a provision that would provide for this division and the amendments made by this division to take effect 180 days after the date of the enactment of this Act.

Savings provisions (sec. 5702)

The conference agreement includes a provision that would allow selected information technology actions and acquisition proceedings, including claims or applications, that have been initiated by, or are pending before, Administrator of the General Services or the General Services Administration Board of Contract Appeals to be continued under original terms, until terminated, revoked, or superseded in accordance with law, by the Director of OMB, by a court, or by operation of law. The Director of OMB is authorized to establish regulations for transferring such actions and proceedings.

Floyd Spence,
Bob Stump,
Duncan Hunter,
Herbert H. Bateman,
Curt Weldon,
G.V. Montgomery,
John M. Spratt, Jr.,

Managers on the Part of the House.

Strom Thurmond,
John Warner,
Bill Cohen,
Trent Lott,
Sam Nunn,

Managers on the Part of the Senate.

Title 10 U.S.C. Sec. 2223

Information Technology:
Additional Responsibilities for
Chief Information Officers

Public Law 105–261
105th Congress

An Act

Oct. 17, 1998
[H.R. 3616]

Strom Thurmond
National Defense
Authorization
Act for Fiscal
Year 1999.

To authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Strom Thurmond National Defense Authorization Act for Fiscal Year 1999”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Senator Strom Thurmond of South Carolina first became a member of the Committee on Armed Services of the United States Senate on January 19, 1959. Senator Thurmond’s continuous service on that committee covers more than 75 percent of the period of the existence of the committee, which was established immediately after World War II, and more than 20 percent of the period of the existence of military and naval affairs committees of Congress, the original bodies of which were formed in 1816.

(2) Senator Thurmond came to Congress and the committee as a distinguished veteran of service, including combat service, in the Armed Forces of the United States.

(3) Senator Thurmond was commissioned as a reserve second lieutenant of infantry in 1924. He served with great distinction with the First Army in the European Theater of Operations during World War II, landing in Normandy in a glider with the 82nd Airborne Division on D-Day. He was transferred to the Pacific Theater of Operations at the end of the war in Europe and was serving in the Philippines when Japan surrendered.

(4) Having reverted to Reserve status at the end of World War II, Senator Thurmond was promoted to brigadier general in the United States Army Reserve in 1954. He served as President of the Reserve Officers Association beginning that same year and ending in 1955. Senator Thurmond was promoted to major general in the United States Army Reserve in 1959. He transferred to the Retired Reserve on January 1, 1965, after 36 years of commissioned service.

(5) The distinguished character of Senator Thurmond’s military service has been recognized by awards of numerous decorations that include the Legion of Merit, the Bronze Star medal with “V” device, the Army Commendation Medal, the Belgian

Cross of the Order of the Crown, and the French Croix de Guerre.

(6) Senator Thurmond has served as chairman of the Committee on Armed Services of the United States Senate since 1995 and served as the ranking minority member of the committee from 1993 to 1995. Senator Thurmond concludes his service as chairman at the end of the One Hundred Fifth Congress, but is to continue to serve the committee as a member in successive Congresses.

(7) This Act is the fortieth annual authorization bill for the Department of Defense for which Senator Thurmond has taken a major responsibility as a member of the Committee on Armed Services of the Senate.

(8) Senator Thurmond, as an Army officer and a legislator, has made matchless contributions to the national security of the United States that, in duration and in quality, are unique.

(9) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense that Senator Thurmond manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical demilitarization program.

Sec. 108. Defense health programs.

Sec. 109. Defense Export Loan Guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Longbow Hellfire Missile program.

Sec. 112. Conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

Sec. 113. Armored system modernization.

Sec. 114. Reactive armor tiles.

Sec. 115. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

Sec. 121. CVN-77 nuclear aircraft carrier program.

- Sec. 122. Increase in amount authorized to be excluded from cost limitation for Seawolf submarine program.
- Sec. 123. Multiyear procurement authority for the Department of the Navy.
- Sec. 124. Annual GAO review of F/A–18E/F aircraft program.

Subtitle D—Air Force Programs

- Sec. 131. F–22 aircraft program.
- Sec. 132. C–130J aircraft program.

Subtitle E—Other Matters

- Sec. 141. Chemical stockpile emergency preparedness program.
- Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Management responsibility for Navy mine countermeasures programs.
- Sec. 212. Future aircraft carrier transition technologies.
- Sec. 213. Manufacturing technology program.
- Sec. 214. Sense of Congress on the Defense Science and Technology Program.
- Sec. 215. Next Generation Internet Program.
- Sec. 216. Crusader self-propelled artillery system program.
- Sec. 217. Airborne Laser Program.
- Sec. 218. Enhanced Global Positioning System program.

Subtitle C—Ballistic Missile Defense

- Sec. 231. Sense of Congress on National Missile Defense coverage.
- Sec. 232. Limitation on funding for the Medium Extended Air Defense System.
- Sec. 233. Limitation on funding for Cooperative Ballistic Missile Defense programs.
- Sec. 234. Sense of Congress with respect to Ballistic Missile Defense cooperation with Russia.
- Sec. 235. Ballistic Missile Defense program elements.
- Sec. 236. Restructuring of acquisition strategy for Theater High-Altitude Area Defense (THAAD) system.

Subtitle D—Other Matters

- Sec. 241. Extension of authority to carry out certain prototype projects.
- Sec. 242. NATO alliance ground surveillance concept definition.
- Sec. 243. NATO common-funded Civil Budget.
- Sec. 244. Executive agent for cooperative research program of the Department of Defense and the Department of Veterans Affairs.
- Sec. 245. Review of pharmacological interventions for reversing brain injury.
- Sec. 246. Pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.
- Sec. 247. Chemical warfare defense.
- Sec. 248. Landmine alternatives.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Refurbishment of M1–A1 tanks.
- Sec. 312. Operation of prepositioned fleet, National Training Center, Fort Irwin, California.
- Sec. 313. Berthing space at Norfolk Naval Shipyard, Virginia.
- Sec. 314. NATO common-funded military budget.

Subtitle C—Environmental Provisions

- Sec. 321. Settlement of claims of foreign governments for environmental cleanup of overseas sites formerly used by the Department of Defense.
- Sec. 322. Authority to pay negotiated settlement for environmental cleanup of formerly used defense sites in Canada.

- Sec. 323. Removal of underground storage tanks.
- Sec. 324. Report regarding polychlorinated biphenyl waste under Department of Defense control overseas.
- Sec. 325. Modification of deadline for submittal to Congress of annual reports on environmental activities.
- Sec. 326. Submarine solid waste control.
- Sec. 327. Arctic Military Environmental Cooperation Program.
- Sec. 328. Sense of Congress regarding oil spill prevention training for personnel on board Navy vessels.

Subtitle D—Information Technology Issues

- Sec. 331. Additional information technology responsibilities of Chief Information Officers.
- Sec. 332. Defense-wide electronic mall system for supply purchases.
- Sec. 333. Priority funding to ensure year 2000 compliance of information technology and national security systems.
- Sec. 334. Evaluation of year 2000 compliance as part of training exercises programs.
- Sec. 335. Continuity of essential operations at risk of failure because of information technology and national security systems that are not year 2000 compliant.

Subtitle E—Defense Infrastructure Support Improvement

- Sec. 341. Clarification of definition of depot-level maintenance and repair.
- Sec. 342. Reporting and analysis requirements before change of commercial and industrial type functions to private sector performance.
- Sec. 343. Notifications of determinations of military items as being commercial items for purposes of the exception to requirements regarding core logistics capabilities.
- Sec. 344. Oversight of development and implementation of automated identification technology.
- Sec. 345. Contractor-operated civil engineering supply stores program.
- Sec. 346. Conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair.
- Sec. 347. Best commercial inventory practices for management of secondary supply items.
- Sec. 348. Personnel reductions in Army Materiel Command.
- Sec. 349. Inventory management of in-transit items.
- Sec. 350. Review of Defense Automated Printing Service functions.
- Sec. 351. Development of plan for establishment of core logistics capabilities for maintenance and repair of C–17 aircraft.

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TITLE XXXVI—MARITIME ADMINISTRATION

- Sec. 3601. Authorization of appropriations for fiscal year 1999.
- Sec. 3602. Authority to convey National Defense Reserve Fleet vessel.
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TITLE XXXVII—INCREASED MONITORING OF PRODUCTS MADE WITH FORCED LABOR

- Sec. 3701. Authorization for additional customs personnel to monitor the importation of products made with forced labor.
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TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS

- Sec. 3801. Short title.
- Sec. 3802. Definitions.
- Sec. 3803. Re-establishment of initiative on automotive parts sales to Japan.
- Sec. 3804. Establishment of Special Advisory Committee on automotive parts sales in Japanese and other Asian markets.
- Sec. 3805. Expiration date.

TITLE XXXIX—RADIO FREE ASIA

- Sec. 3901. Short title.
- Sec. 3902. Authorization of appropriations for increased funding for Radio Free Asia and Voice of America broadcasting to China.
- Sec. 3903. Reporting requirement.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term “congressional defense committees” means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Reserve components.
- Sec. 106. Defense Inspector General.
- Sec. 107. Chemical demilitarization program.
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Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for Longbow Hellfire Missile program.
- Sec. 112. Conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

- Sec. 113. Armored system modernization.
- Sec. 114. Reactive armor tiles.
- Sec. 115. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

- Sec. 121. CVN-77 nuclear aircraft carrier program.
- Sec. 122. Increase in amount authorized to be excluded from cost limitation for Seawolf submarine program.
- Sec. 123. Multiyear procurement authority for the Department of the Navy.
- Sec. 124. Annual GAO review of F/A-18E/F aircraft program.

Subtitle D—Air Force Programs

- Sec. 131. F-22 aircraft program.
- Sec. 132. C-130J aircraft program.

Subtitle E—Other Matters

- Sec. 141. Chemical stockpile emergency preparedness program.
- Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Army as follows:

- (1) For aircraft, \$1,396,047,000.
- (2) For missiles, \$1,228,229,000.
- (3) For weapons and tracked combat vehicles, \$1,507,551,000.
- (4) For ammunition, \$1,016,255,000.
- (5) For other procurement, \$3,344,932,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Navy as follows:

- (1) For aircraft, \$7,642,200,000.
- (2) For weapons, including missiles and torpedoes, \$1,223,903,000.
- (3) For shipbuilding and conversion, \$6,033,480,000.
- (4) For other procurement, \$4,042,975,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Marine Corps in the amount of \$881,896,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of \$463,339,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Air Force as follows:

- (1) For aircraft, \$8,350,617,000.
- (2) For missiles, \$2,210,640,000.
- (3) For ammunition, \$383,161,000.
- (4) For other procurement, \$6,950,372,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1999 for Defense-wide procurement in the amount of \$1,954,828,000.

(3) Oil spills have the potential to damage the local environment, killing microscopic organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

Subtitle D—Information Technology Issues

SEC. 331. ADDITIONAL INFORMATION TECHNOLOGY RESPONSIBILITIES OF CHIEF INFORMATION OFFICERS.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2223. Information technology: additional responsibilities of Chief Information Officers

“(a) ADDITIONAL RESPONSIBILITIES OF CHIEF INFORMATION OFFICER OF DEPARTMENT OF DEFENSE.—In addition to the responsibilities provided for in chapter 35 of title 44 and in section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425), the Chief Information Officer of the Department of Defense shall—

“(1) review and provide recommendations to the Secretary of Defense on Department of Defense budget requests for information technology and national security systems;

“(2) ensure the interoperability of information technology and national security systems throughout the Department of Defense;

“(3) ensure that information technology and national security systems standards that will apply throughout the Department of Defense are prescribed; and

“(4) provide for the elimination of duplicate information technology and national security systems within and between the military departments and Defense Agencies.

“(b) ADDITIONAL RESPONSIBILITIES OF CHIEF INFORMATION OFFICER OF MILITARY DEPARTMENTS.—In addition to the responsibilities provided for in chapter 35 of title 44 and in section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425), the Chief Information Officer of a military department, with respect to the military department concerned, shall—

“(1) review budget requests for all information technology and national security systems;

“(2) ensure that information technology and national security systems are in compliance with standards of the Government and the Department of Defense;

“(3) ensure that information technology and national security systems are interoperable with other relevant information technology and national security systems of the Government and the Department of Defense; and

“(4) coordinate with the Joint Staff with respect to information technology and national security systems.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Chief Information Officer’ means the senior official designated by the Secretary of Defense or a Secretary of a military department pursuant to section 3506 of title 44.

“(2) The term ‘information technology’ has the meaning given that term by section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

“(3) The term ‘national security system’ has the meaning given that term by section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2223. Information technology: additional responsibilities of Chief Information Officers.”.

(b) EFFECTIVE DATE.—Section 2223 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1998.

10 USC 2451
note.

SEC. 332. DEFENSE-WIDE ELECTRONIC MALL SYSTEM FOR SUPPLY PURCHASES.

(a) ELECTRONIC MALL SYSTEM DEFINED.—In this section, the term “electronic mall system” means an electronic system for displaying, ordering, and purchasing supplies and materiel available from sources within the Department of Defense and from the private sector.

(b) DEVELOPMENT AND MANAGEMENT.—(1) Using systems and technology available in the Department of Defense as of the date of the enactment of this Act, the Joint Electronic Commerce Program Office of the Department of Defense shall develop a single, defense-wide electronic mall system, which shall provide a single, defense-wide electronic point of entry and a single view, access, and ordering capability for all Department of Defense electronic catalogs. The Secretary of each military department and the head of each Defense Agency shall provide to the Joint Electronic Commerce Program Office the necessary and requested data to ensure compliance with this paragraph.

(2) The Defense Logistics Agency, under the direction of the Joint Electronic Commerce Program Office, shall be responsible for maintaining the defense-wide electronic mall system developed under paragraph (1).

(c) ROLE OF CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall be responsible for—

(1) overseeing the elimination of duplication and overlap among Department of Defense electronic catalogs; and

(2) ensuring that such catalogs utilize technologies and formats compliant with the requirements of subsection (b).

(d) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the Chief Information Officer shall develop and provide to the congressional defense committees—

(1) an inventory of all existing and planned electronic mall systems in the Department of Defense; and

(2) a schedule for ensuring that each such system is compliant with the requirements of subsection (b).

Executive Order 13011 *July 17, 1996*

Federal Information Technology



THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 17, 1996

EXECUTIVE ORDER 13011

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FEDERAL INFORMATION TECHNOLOGY

A Government that works better and costs less requires efficient and effective information systems. The Paperwork Reduction Act of 1995 and the Information Technology Management Reform Act of 1996 provide the opportunity to improve significantly the way the Federal Government acquires and manages information technology. Agencies now have the clear authority and responsibility to make measurable improvements in mission performance and service delivery to the public through the strategic application of information technology. A coordinated approach that builds on existing structures and successful practices is needed to provide maximum benefit across the Federal Government from this technology.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It shall be the policy of the United States Government that executive agencies shall: (a) significantly improve the management of their information systems, including the acquisition of information technology, by implementing the relevant provisions of the Paperwork Reduction Act of 1995 (Public Law 104-13), the Information Technology Management Reform Act of 1996 (Division E of Public Law 104-106) ("Information Technology Act"), and the Government Performance and Results Act of 1993 (Public Law 103-62);

(b) refocus information technology management to support directly their strategic missions, implement an investment review process that drives budget formulation and execution for information systems, and rethink and restructure the way they perform their functions before investing in information technology to support that work;

(c) establish clear accountability for information resources management activities by creating agency Chief Information Officers (CIOs) with the visibility and management responsibilities necessary to advise the agency head on the design, development, and implementation of those information systems. These responsibilities include: (1) participating in the investment review process for information systems; (2) monitoring and evaluating the performance of those information systems on the basis of applicable performance measures; and, (3) as necessary, advising the agency head to modify or terminate those systems;

(d) cooperate in the use of information technology to improve the productivity of Federal programs and to promote a coordinated, interoperable, secure, and shared Governmentwide infrastructure that is provided and supported by a diversity of private sector suppliers and a well-trained corps of information technology professionals; and

(e) establish an interagency support structure that builds on existing successful interagency efforts and shall provide expertise and advice to agencies; expand the skill and career development opportunities of information technology professionals; improve the management and use of information technology within and among agencies by developing information technology procedures and standards and by identifying and sharing experiences, ideas, and promising practices; and provide innovative, multi-disciplinary, project-specific support to agencies to enhance interoperability, minimize unnecessary duplication of effort, and capitalize on agency successes.

Sec. 2. Responsibilities of Agency Heads. The head of each executive agency shall: (a) effectively use information technology to improve mission performance and service to the public;

(b) strengthen the quality of decisions about the employment of information resources to meet mission needs through integrated analysis, planning, budgeting, and evaluation processes, including:

(1) determining, before making investments in new information systems, whether the Government should be performing the function, if the private sector or another agency should support the function, and if the function needs to be or has been appropriately redesigned to improve its efficiency;

(2) establishing mission-based performance measures for information systems investments, aligned with agency performance plans prepared pursuant to the Government Performance and Results Act of 1993 (Public Law 103-62);

(3) establishing agency-wide and project-level management structures and processes responsible and accountable for managing, selecting, controlling, and evaluating investments in information systems, with authority for terminating information systems when appropriate;

(4) supporting appropriate training of personnel; and

(5) seeking the advice of, participating in, and supporting the interagency support structure set forth in this order;

(c) select CIOs with the experience and skills necessary to accomplish the duties set out in law and policy, including this order, and involve the CIO at the highest level of the agency in the processes and decisions set out in this section;

(d) ensure that the information security policies, procedures, and practices of the executive agency are adequate;

(e) where appropriate, and in accordance with the Federal Acquisition Regulation and guidance to be issued by the Office of Management and Budget (OMB), structure major information systems investments into manageable projects as narrow in scope and brief in duration as practicable, consistent with the Information Technology Act, to reduce risk, promote flexibility and interoperability, increase accountability, and better correlate mission need with current technology and market conditions; and

(f) to the extent permitted by law, enter into a contract that provides for multiagency acquisitions of information technology as an executive agent for the Government, if and in the manner that the Director of OMB considers it advantageous to do so.

Sec. 3. Chief Information Officers Council. (a) Purpose and

Functions. A Chief Information Officers Council ("CIO Council") is established as the principal interagency forum to improve agency practices on such matters as the design, modernization, use, sharing, and performance of agency information resources. The Council shall:

(1) develop recommendations for overall Federal information technology management policy, procedures, and standards;

(2) share experiences, ideas, and promising practices, including work process redesign and the development of performance measures, to improve the management of information resources;

(3) identify opportunities, make recommendations for, and sponsor cooperation in using information resources;

(4) assess and address the hiring, training, classification, and professional development needs of the Federal Government with respect to information resources management;

(5) make recommendations and provide advice to appropriate executive agencies and organizations, including advice to OMB on the Governmentwide strategic plan required by the Paperwork Reduction Act of 1995; and

(6) seek the views of the Chief Financial Officers Council, Government Information Technology Services Board, Information Technology Resources Board, Federal Procurement Council, industry, academia, and State and local governments on matters of concern to the Council as appropriate.

(b) Membership. The CIO Council shall be composed of the CIOs and Deputy CIOs of the following executive agencies plus two representatives from other agencies:

1. Department of State;
2. Department of the Treasury;
3. Department of Defense;
4. Department of Justice;
5. Department of the Interior;
6. Department of Agriculture;
7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Human Services;
10. Department of Housing and Urban Development;
11. Department of Transportation;
12. Department of Energy;
13. Department of Education;
14. Department of Veterans Affairs;
15. Environmental Protection Agency;

16. Federal Emergency Management Agency;
17. Central Intelligence Agency;
18. Small Business Administration;
19. Social Security Administration;
20. Department of the Army;
21. Department of the Navy;
22. Department of the Air Force;
23. National Aeronautics and Space Administration;
24. Agency for International Development;
25. General Services Administration;
26. National Science Foundation;
27. Nuclear Regulatory Commission; and
28. Office of Personnel Management.

The Administrator of the Office of Information and Regulatory Affairs of OMB, the Controller of the Office of Federal Financial Management of OMB, the Administrator of the Office of Federal Procurement Policy of OMB, a Senior Representative of the Office of Science and Technology Policy, the Chair of the Government Information Technology Services Board, and the Chair of the Information Technology Resources Board shall also be members. The CIO Council shall be chaired by the Deputy Director for Management of OMB. The Vice Chair, elected by the CIO Council on a rotating basis, shall be an agency CIO.

Sec. 4. Government Information Technology Services Board.

(a) Purpose and Functions. A Government Information Technology Services Board ("Services Board") is established to ensure continued implementation of the information technology recommendations of the National Performance Review and to identify and promote the development of innovative technologies, standards, and practices among agencies and State and local governments and the private sector. It shall seek the views of experts from industry, academia, and State and local governments on matters of concern to the Services Board as appropriate. The Services Board shall also make recommendations to the agencies, the CIO Council, OMB, and others as appropriate, and assist in the following:

(1) creating opportunities for cross-agency cooperation and intergovernmental approaches in using information resources to support common operational areas and to develop and provide shared governmentwide infrastructure services;

(2) developing shared governmentwide information infrastructure services to be used for innovative, multiagency information technology projects;

(3) creating and utilizing affinity groups for particular business or technology areas; and

(4) developing with the National Institute of Standards and Technology and with established standards bodies, standards and

guidelines pertaining to Federal information systems, consistent with the limitations contained in the Computer Security Act of 1987 (40 U.S.C. 759 note), as amended by the Information Technology Act.

(b) Membership. The Services Board shall be composed of individuals from agencies based on their proven expertise or accomplishments in fields necessary to achieve its goals. Major government mission areas such as electronic benefits, electronic commerce, law enforcement, environmental protection, national defense, and health care may be represented on the Services Board to provide a program operations perspective. Initial selection of members will be made by OMB in consultation with other agencies as appropriate. The CIO Council may nominate two members. The Services Board shall recommend new members to OMB for consideration. The Chair will be elected by the Services Board.

Sec. 5. Information Technology Resources Board.

(a) Purpose and Functions. An Information Technology Resources Board ("Resources Board") is established to provide independent assessments to assist in the development, acquisition, and management of selected major information systems and to provide recommendations to agency heads and OMB as appropriate. The Resources Board shall:

(1) review, at the request of an agency and OMB, specific information systems proposed or under development and make recommendations to the agency and OMB regarding the status of systems or next steps;

(2) publicize lessons learned and promising practices based on information systems reviewed by the Board; and

(3) seek the views of experts from industry, academia, and State and local governments on matters of concern to the Resources Board, as appropriate.

(b) Membership. The Resources Board shall be composed of individuals from executive branch agencies based on their knowledge of information technology, program, or acquisition management within Federal agencies. Selection of members shall be made by OMB in consultation with other agencies as appropriate. The Chair will be elected by the Resources Board. The Resources Board may call upon the department or agency whose project is being reviewed, or any other department or agency to provide knowledgeable representative(s) to the Board whose guidance and expertise will assist in focusing on the primary issue(s) presented by a specific system.

Sec. 6. Office of Management and Budget. The Director of OMB shall:

(1) evaluate agency information resources management practices and, as part of the budget process, analyze, track and evaluate the risks and results of all major capital investments for information systems;

(2) notify an agency if it believes that a major information system requires outside assistance;

(3) provide guidance on the implementation of this order and on the management of information resources to the executive agencies and to the Boards established by this order; and

(4) evaluate the effectiveness of the management structure set out in this order after 3 years and make recommendations for any appropriate changes.

Sec. 7. General Services Administration. Under the direction of OMB, the Administrator of General Services shall:

(1) continue to manage the FTS2000 program and coordinate the follow-on to that program, on behalf of and with the advice of customer agencies;

(2) develop, maintain, and disseminate for the use of the Federal community, as requested by OMB or the agencies, recommended methods and strategies for the development and acquisition of information technology;

(3) conduct and manage outreach programs in cooperation with agency managers;

(4) be a focal point for liaison on information resources management, including Federal information technology, with State and local governments, and with nongovernmental international organizations subject to prior consultation with the Secretary of State to ensure such liaison would be consistent with and support overall United States foreign policy objectives;

(5) support the activities of the Secretary of State for liaison, consultation, and negotiation with intergovernmental organizations in information resources management matters;

(6) assist OMB, as requested, in evaluating agencies' performance-based management tracking systems and agencies' achievement of cost, schedule, and performance goals; and

(7) provide support and assistance to the interagency groups established in this order.

Sec. 8. Department of Commerce. The Secretary of Commerce shall carry out the standards responsibilities under the Computer Security Act of 1987, as amended by the Information Technology Act, taking into consideration the recommendations of the agencies, the CIO Council, and the Services Board.

Sec. 9. Department of State. (a) The Secretary of State shall be responsible for liaison, consultation, and negotiation with foreign governments and intergovernmental organizations on all matters related to information resources management, including Federal information technology. The Secretary shall further ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international standards and recommendations affecting information technology. In the exercise of these responsibilities, the Secretary shall consult, as appropriate, with affected domestic agencies, organizations, and other members of the public.

(b) The Secretary of State shall advise the Director on the development of United States positions and policies on international information policy and technology issues affecting Federal Government activities and the development of international information technology standards.

Sec. 10. Definitions. (a) "Executive agency" has the meaning given to that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(b) "Information Technology" has the meaning given that term in section 5002 of the Information Technology Act.

(c) "Information resources" has the meaning given that term in section 3502(6) of title 44, United States Code.

(d) "Information resources management" has the meaning given that term in section 3502(7) of title 44, United States Code.

(e) "Information system" has the meaning given that term in section 3502(8) of title 44, United States Code.

(f) "Affinity group" means any interagency group focussed on a business or technology area with common information technology or customer requirements. The functions of an affinity group can include identifying common program goals and requirements; identifying opportunities for sharing information to improve quality and effectiveness; reducing costs and burden on the public; and recommending protocols and other standards, including security standards, to the National Institute of Standards and Technology for Governmentwide applicability, for action in accordance with the Computer Security Act of 1987, as amended by the Information Technology Act.

(g) "National security system" means any telecommunications or information system operated by the United States Government, the function, operation, or use of which (1) involves intelligence activities; (2) involves cryptologic activities related to national security; (3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) is critical to the direct fulfillment of military or intelligence missions, but excluding any system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

Sec. 11. Applicability to National Security Systems.

The heads of executive agencies shall apply the policies and procedures established in this order to national security systems in a manner consistent with the applicability and related limitations regarding such systems set out in the Information Technology Act.

Sec. 12. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
July 16, 1996.

#

Secretary of Defense 2 June 1997
Memorandum

Implementation of Subdivision E of the Clinger-Cohen
Act of 1996 (Public Law 104-106)



THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1000

2 JUN 1997

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Implementation of Subdivision E of the Clinger-Cohen Act
of 1996 (Public Law 104-106)

Over the past several years, Congress has enacted important management reform legislation. Subdivision E of the Clinger-Cohen Act of 1996 (formerly the Information Technology Management Reform Act of 1996 (hereinafter referred to as the ITMRA)) in particular focused on the need for Federal Agencies to improve the way they select and manage information technology resources. The ITMRA singled out the role of information technology and national security systems in enabling improvements to DoD's operations and procedures. It is designed to help ensure that investments in information technology provide measurable improvements in mission performance.

The ITMRA requires the Department to pose three questions before investing in information technology. First, what functions are we performing and are they consistent with our mission. Second, if we should be performing particular functions, could they be performed more effectively and at less cost by the private sector. Finally, if a function should indeed be performed by the Department, the law requires that the function be examined and redesigned or reengineered before applying new technology. Information technology is a tool that can help the Department perform mission-related and administrative processes more efficiently.

My principal staff assistant and advisor on this matter is the Chief Information Officer of the Department of Defense (CIO, DoD), who is the Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASD(C3I)). The CIO, DoD will promote improvements to DoD work processes and supportive information resources. Each of the Military Departments also has appointed a CIO. The Service CIO's will act as advisors to the CIO, DoD. The Service CIO's will implement the policies and guidance issued by the CIO, DoD.

Speed of implementation is crucial in matters pertaining to information technology. Unity of authority is key to this speed.

U09344 / 97

Therefore, effective immediately, I hereby delegate authorities and assign duties to the ASD(C3I) in his role as the CIO, DoD as identified in attachment one. The CIO, DoD will provide management and oversight of all DoD information technology and national security systems. There will be no fragmentation of this authority, although the CIO, DoD may delegate responsibilities as needed. In the performance of these Department-wide ITMRA duties on my behalf, the ASD(C3I) is delegated authority to issue DoD Instructions, DoD publications, and one-time directive-type memoranda. ;

The CIO, DoD is the primary representative of the Department to Federal and interagency bodies supporting Federal information technology policies. The Department is a leader in the use of information technology in the Federal Government, and these capabilities will be shared with other Federal Agencies to the maximum extent practicable. In addition, I hereby establish a DoD CIO Council, chaired by the CIO, DoD, to serve as the principal DoD forum to discuss improvements in DoD practices for the management of information technology. The Council shall serve in both an advisory and coordinating capacity to improve the management and use of information technology by providing a forum for the exchange of a full range of views concerning information technology. A copy of the approved DoD CIO Council charter is at attachment two.

The Department has made substantial progress in implementing legislative reforms aimed at exploiting technology to the betterment of our national security. Much remains to be done. The Department has not fully benefited from these reforms, owing in large part to existing organizational alignments, structures and systems. To successfully implement the ITMRA, the Department must embrace new ways of doing business, understand and participate in the process of change, and appreciate the need to treat technology expenditures as investments. Overcoming these cultural and organizational barriers requires the commitment of management at all levels of the Department.

The Information Technology Management Reform Act emphasizes the management of information resources to enable change and strike down outdated modes of operation. The Department must revise its policies, practices and procedures to incorporate this and other reform legislation. As a first step, I direct the ASD(C3I), in coordination with the Director of Administration and Management, to implement this memorandum and the attachments in the DoD Directives System within 180 days. I look forward to your continued support in fulfilling the intent of this important legislation.

The signature is written in cursive and appears to read "William L. [unclear]". The last part of the signature is a stylized, circular flourish.

Attachments

**Assignment of Duties and Delegation of Authorities to the
Assistant Secretary of Defense for Command, Control,
Communications and Intelligence
Pursuant to Subdivision E of the Clinger-Cohen Act of 1996
(Public Law 104-106)
(Formerly the Information Technology Management Reform Act
of 1996 (hereinafter referred to as the ITMRA))**

The Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASD(C3I)) as the Chief Information Officer of the Department of Defense (CIO, DoD) is responsible for carrying out certain provisions of the ITMRA on behalf of the Secretary of Defense. Pursuant to this responsibility, the ASD(C3I) is assigned the duties and is delegated the authorities cited below:

A. Design and implement in the Department of Defense a process for maximizing the value and assessing and managing the risks of DoD information technology acquisitions, in coordination with DoD Planning, Programming and Budgeting System (PPBS) authorities and acquisition authorities, and in accordance with Section 5122 of the ITMRA. The process shall:

1. Provide for the selection of information technology investments to be made by the Department, the management of such investments, and the evaluation of the results of such investments;

2. Be integrated with the processes for making budget, financial, and program management decisions within the Department;

3. Include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information system investment projects;

4. Provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

5. Provide for identifying, for a proposed investment, quantifiable measurements for determining the net benefits and risks of the investment; and

6. Provide the means for senior management personnel of the Department to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness and quality.

B. Institutionalize performance-based and results-based management for information technology in coordination with the Chief Financial Officer of the Department of Defense, the OSD Principal Staff Assistants and the DoD Components and in accordance with Section 5123 of the ITMRA. In fulfilling this responsibility, the ASD(C3I) shall:

1. Establish goals for improving the efficiency and effectiveness of DoD operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

2. Prepare an annual report, to be included in the DoD budget submission to Congress, on the progress in achieving the goals;

3. Issue DoD Instructions, DoD publications and one-time directive-type memoranda that require the OSD Principal Staff Assistants and DoD Components to:

a. Prescribe performance measurements for information technology used by or to be acquired for the Department that measure how well the information technology supports programs of the Department;

b. Where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark DoD process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

c. Analyze DoD missions and, based on the analysis, revise DoD mission-related and administrative processes, as appropriate, before making significant investments in information technology that is to be used in support of those missions; and

4. Ensure that the information security policies, procedures, and practices of the Department of Defense are adequate.

C. Oversee contracts that provide for multi-agency acquisitions of information technology in accordance with Section 5124 of the ITMRA and guidance issued by the Director of the Office of Management and Budget.

D. Provide advice and other assistance to the Secretary of Defense and other senior management personnel of the Department to ensure that information technology is acquired and information resources are managed for the Department in a manner that implements the policies and procedures of the ITMRA, consistent with Chapter 35 of Title 44, United States Code, and the priorities established by the Secretary of Defense.

E. Develop, maintain, and facilitate the implementation of a sound and integrated information technology architecture for the Department of Defense in accordance with the requirements of Section 5125(b)(2) of the ITMRA.

F. Promote the effective and efficient design and operation of all major information resources management processes for the Department of Defense, including improvements to work processes of the Department of Defense in accordance with Section 5125(b)(3) of the ITMRA.

G. Monitor the performance of IT programs of the Department of Defense, evaluate the performance of those programs on the basis of applicable performance measurements, and advise the Secretary of Defense regarding whether to continue, modify, or terminate a program or project in accordance with Section 5125(c)(2) of the ITMRA. For IT programs that are considered Major Defense Acquisition Programs, the CIO, DoD will coordinate with the Under Secretary of Defense for Acquisition and Technology.

H. Establish and implement training initiatives, in coordination with the Under Secretary of Defense for Personnel and Readiness, to ensure requirements of Section 5215(c)(3) of the ITMRA are met. Under the auspices and direction of the CIO, DoD the Information Resources Management College of the National Defense University shall serve as the primary training source to meet the ITMRA training needs of DoD CIOs, executives, and senior-level managers. Additionally, training programs and sources shall be made available to departmental personnel to provide the required skills and knowledge to effectively develop, manage and use information technology resources. In fulfilling this responsibility, the ASD(C3I) shall annually, as part of the

strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under Section 306 of Title 5, United States Code and Sections 1105(a)(28), 1115, 1116 and 9703 of Title 31, United States Code:

1. Assess the requirements established for departmental personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

2. Assess the extent to which the positions and personnel at the executive level of the Department and positions and personnel at the management level of the Department below the executive level meet those requirements;

3. To rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training and professional development; and

4. Report to the Secretary of Defense on the progress made in improving information resources management capability.

I. In accordance with Section 5126 of the ITMRA, establish policies and procedures, in consultation with the Chief Financial Officer of the Department of Defense, to:

1. Ensure that accounting, financial, and asset management systems and other information systems of the Department of Defense are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the Department of Defense;

2. Ensure that financial and related performance data are provided on a reliable, consistent, and timely basis to DoD financial management systems; and

3. Ensure that financial statements support:

- a. Assessments and revisions of mission-related processes and administrative processes of the Department of Defense; and

- b. Performance measurement of the performance in the case of investments made by the Department of Defense in information systems.

J. In accordance with Section 5127 of the ITMRA, identify any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program in the strategic information resources management plan required under Section 3506(b)(2) of Title 44, United States Code (Paperwork Reduction Act of 1995). For IT programs that are considered Major Defense Acquisition Programs, the CIO, DoD will coordinate with the Under Secretary of Defense for Acquisition and Technology. In fulfilling this responsibility, the ASD(C3I) shall develop a departmental strategic plan that addresses the management and use of IT capabilities and provides overall direction and guidance for managing DoD's information resources. DoD Component CIOs shall prepare supporting strategic plans that link to the goals and strategies contained in the departmental plan and reflect strategies to accomplish their unique mission.

Charter
Department of Defense (DoD)
Chief Information Officer (CIO) Council

A. Purpose and Scope.

The DoD CIO Council (hereafter referred to as the "Council") is established as the principal DoD forum to advise the Secretary and Deputy Secretary of Defense on the full range of matters pertaining to information technology (IT); to exchange pertinent information and discuss issues regarding DoD IT and IT management; and to coordinate implementation of activities under Subdivision E of the Clinger-Cohen Act of 1996 (Public Law 104-106) (Formerly the Information Technology Management Reform Act of 1996 (hereinafter referred to as the ITMRA)) within the Department of Defense. For purposes of this charter, the term "IT" encompasses both IT and national security systems (NSS) as defined in the ITMRA.

B. Council Functions.

1. Recommend measures to strengthen integration of the IT capital planning and investment process with the Department's Planning, Programming, and Budgeting System.

2. Recommend DoD IT strategic management and technical goals and mission-based performance measures to strengthen the linkage between IT and DoD missions.

3. Monitor and evaluate: (a) the compliance of proposed IT resource programs with the Defense Planning Guidance, DoD Strategic Plan and DoD IT strategic management and technical goals such as the ones contained in the Information Technology Management Strategic Plan and (b) the performance of key, special interest IT initiatives. In addition, identify opportunities for cross-functional and cross-service cooperation in using IT.

4. Recommend overall DoD IT management policy, processes, procedures and standards.

C. DoD CIO Council Composition.

1. Council Chair. Chief Information Officer of the Department of Defense (CIO, DoD).

2. Council Members.

a. Chief Information Officer, Department of the Army (CIO, Army);

Charter
Department of Defense (DoD)
Chief Information Officer (CIO) Council

- b. Chief Information Officer, Department of the Navy (CIO, DoN);
- c. Chief Information Officer, Department of the Air Force (CIO, Air Force);
- d. Under Secretary of Defense for Acquisition and Technology (USD(A&T));
- e. Under Secretary of Defense for Policy (USD(P));
- f. Under Secretary of Defense (Comptroller) (USD(C));
- g. Director, Program Analysis and Evaluation (Director, PA&E);
- h. Chief Information Officer, Marine Corps (CIO, Marine Corps);
- i. Director, Command, Control, Communications and Computers, Joint Staff, J-6; and
- j. Deputy Chief Information Officer, Department of Defense (Deputy CIO, DoD).

3. Executive Secretary. Principal Director for Information Management, Office of the Deputy Assistant Secretary of Defense for Command, Control and Communications.

4. Technical Advisor. Director, Defense Information Systems Agency.

5. At the option of the Chair, and taking into account advice from the members, representatives from other organizations may be periodically invited to attend, observe or contribute to meetings and activities.

D. Chair Responsibilities.

- 1. Call and chair Council meetings.
- 2. Establish and oversee working groups, process action teams or integrated product teams, as necessary, to address specific taskings or develop specific products within the scope of the Council charter.

Charter
Department of Defense (DoD)
Chief Information Officer (CIO) Council

3. Seek Council consensus on issues discussed at the Federal CIO Council established under Executive Order No. 13011 of July 16, 1996, "Federal Information Technology."

E. Executive Secretary Responsibilities.

1. Call meetings at the direction of the Chair.
2. Prepare the agenda and other meeting materials and provide administrative support as needed.
3. Maintain records of Council decisions and assigned actions in a data base that is accessible by Council members.

F. Relationships. The Military Communications-Electronics Board (MCEB) is recognized as an effective issue resolution, coordination and prioritization body for NSS command, control, communications and computer issues. Therefore, the Joint Staff J-6, acting in his capacity as the chair of the MCEB, will inform the Council of all MCEB-related matters requiring CIO, DoD attention.

Deputy Secretary of Defense
31 March 2000 Memorandum

DoD Chief Information Officer Executive Board



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MAR 31 2000

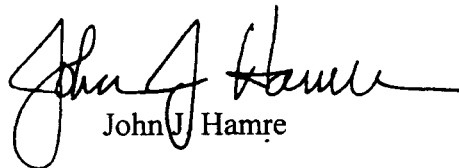


MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDERSECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DIRECTORS OF THE DOD FIELD ACTIVITIES
CHIEF INFORMATION OFFICERS OF THE MILITARY
DEPARTMENTS
DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND
COMPUTER SYSTEMS, JOINT STAFF
CHIEF INFORMATION OFFICERS OF THE DEFENSE AGENCIES
DIRECTOR, INTELLIGENCE COMMUNITY MANAGEMENT
STAFF
INTELLIGENCE COMMUNITY CHIEF INFORMATION OFFICER

SUBJECT: DoD Chief Information Officer Executive Board

The DoD Chief Information Officer (CIO) Executive Board is hereby established as the principal DoD forum to advise the DoD CIO on all matters pertaining to the implementation of Subdivision E of the Clinger-Cohen Act of 1996, including the Global Information Grid. The functions and membership of the DoD CIO Council, hereby disbanded, served as a point of departure for the Board's charter (Attached).

My intent is to have a Board that is more decision-oriented toward the full range of issues and challenges that the Department faces regarding the acquisition, management, use, and oversight of information technology. Questions regarding the operation of the Board may be directed to the Executive Secretary, Mr. Paul Brubaker who can be reached at (703) 695-0871, or by email: paul.brubaker@osd.pentagon.mil.


John J. Hamre

Attachment:
As stated

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Charter
Department of Defense (DoD)
Chief Information Officer (CIO) Executive Board

A. Purpose and Scope.

The DoD CIO Executive Board (hereinafter referred to as the "Board") replaces the DoD CIO Council as the principal DoD forum to advise the DoD CIO on the full range of matters pertaining to Subdivision E of the Clinger-Cohen Act of 1996 ((CCA), Public Law 104-106, as amended), and the Global Information Grid (GIG). The Board will also coordinate implementation of activities under the CCA, and exchange pertinent information and discuss issues regarding the GIG, including DoD information management (IM) and information technology (IT).

The GIG is the globally interconnected, end-to-end set of information capabilities, associated processes and personnel for collecting, processing, storing, disseminating and managing information on demand to warfighters, policy makers, and support personnel. The GIG includes all owned and leased communications and computing systems, and services, software (including applications), data, security services and other associated services necessary to achieve Information Superiority. IT also includes National Security Systems as defined in section 5142 of the CCA. The GIG supports all Department of Defense, National Security, and related Intelligence Community (IC) missions and functions (strategic, operational, tactical and business), in war and in peace. The GIG provides capabilities from all operating locations (bases, posts, camps, stations, facilities, mobile platforms and deployed sites). The GIG provides interfaces to coalition, allied, and non-DoD users, and systems.

The primary mission of the Board is to advance the Department's goals in the areas of IM, information interoperability and information security between and among Defense Components. The Board will coordinate with the IC CIO Executive Council on matters of mutual interest pertaining to the GIG.

B. Board Functions.

- 1) Management Oversight. Recommend, review and advise the DoD CIO on overall DoD IM policy, processes, procedures and standards. Oversee all aspects of the GIG to support the DoD's and IC's mission and business applications. This

includes the collaborative development of IT architectures and related compliance reviews, management of the information infrastructure resources as a portfolio of investments; collaborative development of planning guidance for the operation and use of the GIG, and identification of opportunities for cross-functional and/or cross-Component cooperation in IM and in using IT.

- 2) Architecture Management. Ensure the collaborative development of architectures as specified in the CCA, and ensure that processes are in place to enforce their standardized use, management, and control. Align IT portfolios with the GIG.
- 3) Interoperability, Information Assurance or Communications and Computing Infrastructure Reviews. The Board may forward via the DoD CIO its recommendations to the Joint Requirements Oversight Council (JROC) for programs or potential programs where the Board believes there are potential interoperability, information assurance or communications and computing infrastructure impacts.
- 4) Performance Measures. Recommend and promote results-based performance measures and best practices that strengthen and optimize links between IM and DoD missions, and improve DoD mission performance.
- 5) Acquisition Process.
 - Enforce a portfolio review process for all IM and IT programs;
 - Resolve program synchronization, and standardization issues resulting from program and portfolio reviews;
 - Resolve issues elevated for resolution by the IT Overarching Integrated Product Team;
 - Recommend to the appropriate Milestone Decision Authority whether to approve, modify or terminate a program; and
 - Recommend appropriate IT program and acquisition issues to be taken to the Defense Acquisition Board (DAB).
- 6) Resource Allocation Process. Recommend measures to strengthen integration of the IT capital planning and investment process with the Department's Planning, Programming and Budgeting System (PPBS). In addition, review Department IT funding and program issues and make

recommendations on investment priorities and resources alignments in the context of the PPBS.

- 7) Planning. Review and advise on the DoD Information Management Strategic Plan (IMSP) which establishes the DoD IM vision, top goals and objectives, and strategies to accomplish the goals, and facilitate integration of the IMSP with the Defense Planning Guidance (DPG).
- 8) Waivers. Recommend approval or disapproval to the DoD CIO of waiver requests to GIG policies. Periodically review and validate this process to ensure waiver authority is retained or delegated to the appropriate level.
- 9) Human Resources Management. Recommend and support methods and tools for recruiting, retaining, and training IM and IT personnel across the Department.
- 10) Other Business. At the option of the Chair with advice of the Board, address any areas and issues not specified above.

C. DoD CIO Executive Board Composition.

- 1) Executive Board Chair. Department of Defense, Chief Information Officer (DoD CIO).
- 2) Executive Board Members.
 - a) Chief Information Officer, Department of the Army (Army CIO);
 - b) Chief Information Officer, Department of the Navy (DON CIO);
 - c) Chief Information Officer, Department of the Air Force (Air Force CIO);
 - d) Chief Information Officer, Joint Staff
 - e) Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L));
 - f) Under Secretary of Defense for Policy (USD(P));
 - g) Under Secretary of Defense (Comptroller) (USD(C));
 - h) Under Secretary of Defense for Personnel and Readiness (USD(P&R));
 - i) Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I));
 - j) Director, Program Analysis and Evaluation (Director, PA&E);

- k) Chief Information Officer, Marine Corps (Marine Corps CIO);
 - l) Director, Command, Control, Communications and Computers, Joint Staff, J-6;
 - m) Director, Space, Information Warfare, Command and Control, U. S. Navy, N6;
 - n) Director, Communications and Information, U. S. Air Force, AF/SC
 - o) Chief Information Officer, Intelligence Community (IC CIO);
 - p) Chief Information Officer, U. S. Joint Forces Command; and
 - q) Deputy Chief Information Officer, Department of Defense (Deputy DoD CIO).
- 3) Executive Secretary. Deputy DoD Chief Information Officer.
- 4) Security Advisor. Director, National Security Agency.
- 5) Technical Advisor. Director, Defense Information Systems Agency.
- 6) Legal Advisor. DoD General Counsel.
- 7) Other Attendees. At the option of the Chair, other individuals may be invited to attend, observe or contribute to meetings and activities.
- D. Chair's Responsibilities.
- 1) Call and chair Board meetings.
 - 2) Approve agendas.
 - 3) Present and represent positions of the Board.
 - 4) Assign actions and tasks.
 - 5) Convene and assign *ad hoc* teams to perform specific tasks or develop specific products needed by the Board.
 - 6) Resolve IM and IT issues with the Intelligence Community.
 - 7) Seek Board consensus on issues before the Federal CIO Council (established under Executive Order No. 13011, July 16, 1996, "Federal Information Technology").
 - 8) Approve minutes.
- E. Members' Responsibilities.
- 1) Identify and nominate agenda items and issues to the Chair for Board consideration.

- 2) As offices of principal responsibility (OPRs), sponsor items and issues for meetings, including preparation of position papers and read-ahead materials, and presentation of briefings.
- 3) Represent their organizations' positions with regard to Board issues.
- 4) Convey and support the positions and decisions of the Board to their organizations.
- 5) Execute actions and tasks as directed by the Chair.
- 6) Ensure their organizations are represented on appropriate Board subordinate bodies.
- 7) Joint Staff will work with the Board's Executive Secretariat to arrange timely reviews of specific programs requested by DoD CIO (see B.3) above).
- 8) Keep the Board apprised of relevant and significant matters arising from but not limited to discussions of the Architecture Coordination Council (ACC), IC CIO Council, JROC, the DAB, and other related groups.
- 9) Review minutes.

F. Executive Secretary's Responsibilities.

- 1) Propose issues and processes to support the functions of the Board. Conduct reviews of architectures, requirements, resource allocations, acquisitions, and waivers as directed by the DoD CIO or the DoD CIO Executive Board.
- 2) Provide advice and counsel to the Chair on Board matters.
- 3) At the direction of the Chair, formulate, research, and present DoD CIO issues before the Board.
- 4) Structure issues and ensure proper representation on items before the Board.
- 5) Announce and stage meetings at Chair's direction.
- 6) Ensure all security rules and regulations regarding classified meetings and documents are followed.
- 7) Assemble, prepare, and distribute material on matters under consideration by the Board at least 4 working days in advance.
- 8) Disseminate specific requirements for data and other actions on behalf of the Board.
- 9) Disseminate to appropriate DoD officials, decisions reached by the Board Chair/Board.

- 10) Monitor and track follow-on actions taken to ensure that decisions reached and assignments made by the Board Chair/Board are implemented properly, including preparation of DoD issuances.
- 11) Prepare and distribute minutes of Board meetings.
- 12) Maintain and safeguard records and ensure their appropriate disposition.
- 13) Maintain liaison to the bodies defined in Section H.
- 14) Support and coordinate the activities of the Board's subordinate bodies.
- 15) Compile and maintain contact lists for Board members and their coordinating staffs.

G. Advisors' Responsibilities.

- 1) Provide advice on technical, security, and legal matters as directed by the DoD CIO and the Executive Board.
- 2) Perform studies and analyses as directed by the DoD CIO and the Board.

H. Related Entities.

- 1) The DRB and PRG are the Department's senior boards for adjudicating resource allocations.
- 2) The JROC is the Department's senior council for validating military requirements.
- 3) The DAB is the Department's senior board for major acquisitions (ACAT I) and special interest programs.
- 4) The Architecture Coordination Council (ACC) is the Department's senior council for the oversight of all architectures, including the GIG architectures.
- 5) The IC CIO and the Deputy DoD CIO will coordinate and resolve issues between the Board and the IC or any organization created by the IC. The IC CIO will promote interoperability among IC automated information systems.
- 6) The Military Communications-Electronics Board (MCEB) is an issue resolution, coordination and prioritization body for command, control, communications and computer issues. The MCEB assists the Executive Board in reviewing Mission Needs Statements (MNSs), Operational Requirements Documents (ORDs), and Capstone Requirements Documents (CRDs) for IT interoperability issues.

- 7) The IT Overarching Integrated Product Team (IT OIPT) provides assistance, oversight and review of all ACAT IA acquisition and special interest IT programs.

Deputy Secretary of Defense

31 March 2000 Memorandum

DoD Chief Information Officer (CIO) Guidance and
Policy Memorandum No. 8-8001 - March 31, 2000 -
Global Information Grid



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MAR 31 2000



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DIRECTORS OF DOD FIELD ACTIVITIES
CHIEF INFORMATION OFFICERS OF THE MILITARY
DEPARTMENTS
DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND
COMPUTER SYSTEMS, JOINT STAFF
CHIEF INFORMATION OFFICERS OF THE DEFENSE AGENCIES
DIRECTOR, INTELLIGENCE COMMUNITY MANAGEMENT
STAFF
INTELLIGENCE COMMUNITY CHIEF INFORMATION OFFICER

SUBJECT: DoD Chief Information Officer (CIO) Guidance and Policy Memorandum
No. 8-8001- March 31, 2000 - Global Information Grid

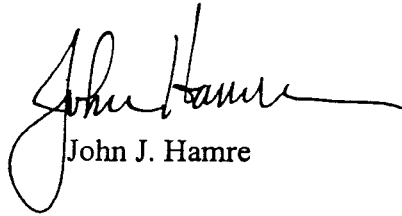
In a memorandum, "Global Information Grid," dated September 22, 1999, the DoD CIO issued guidance on the definition and scope of the Global Information Grid. In essence, the Global Information Grid is "a globally interconnected, end-to-end set of information capabilities, associated processes and personnel for collecting, processing, storing, disseminating and managing information on demand to warfighters, policy makers, and support personnel."

The DoD CIO's memorandum represented the first formal output of an initiative that began in December 1998 to develop policies on several aspects of information management, including information technology management, for the Department. The initial thrust has been on the development of Global Information Grid policies and procedures for governance, resources, information assurance, information dissemination management, interoperability, network management, network operations, enterprise computing, and aligning the technology base to support these activities.

U04863-00

The attached overarching guidance defines the major policy principles and associated responsibilities for the Global Information Grid. Additional guidance and policy will be issued to further specify aspects of the Global Information Grid as needed to facilitate its implementation across the DoD.

Improved and timely Global Information Grid policies are the cornerstone to enabling change, eliminating outdated ways of doing business, implementing the spirit and intent of the Clinger-Cohen Act and other reform legislation, and achieving our Information Superiority goals. While the attached policy guidance is effective immediately, to ensure that this policy is institutionalized, I direct the DoD CIO, in coordination with the Director, Administration and Management, to incorporate it into the DoD Directive System within 180 days.

A handwritten signature in black ink, appearing to read "John Hamre", with a long horizontal flourish extending to the right.

John J. Hamre

Attachment:
As stated

Guidance and Policy For The Department of Defense Global Information Grid

- References:**
- (a) Title 10, U.S.C., Section 2223
 - (b) "DoD Information Management (IM) Strategic Plan," Version 2.0, October, 1999.
 - (c) "DoD C4ISR Architecture Framework," Version 2.0, December 18, 1997
 - (d) Subdivision E of the Clinger-Cohen Act of 1996 (CCA), Public Law 104-106, as amended; Section 5142 of the National Defense Authorization Act for Fiscal Year 1996 (40 U.S.C. 1452))
 - (e) Secretary of Defense Memorandum, "Implementation of Subdivision E of the Clinger-Cohen Act of 1996 (Public Law 104-106)," June 2, 1997
 - (f) Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3170.01 A, "Requirements Generation System," August 17, 1999
 - (g) DoD Directive (DoDD) 5000.1, "Defense Acquisition," March 15, 1996 with Change 1, May 21, 1999
 - (h) DoD Regulation 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs," Change 4, May 11, 1999
 - (i) DoD Joint Technical Architecture (JTA), Version 3.0, November 29, 1999

1. PURPOSE: This guidance and policy:

1.1 Provides for the Global Information Grid (GIG) as a cornerstone in the Department of Defense's (DoD) Revolution in Military Affairs, the Revolution in Business Affairs and in enabling the achievement of Information Superiority.

1.2 Provides overarching DoD guidance, policy and implementation direction for the Global Information Grid in accordance with the authorities referenced herein. Specifically, this policy addresses the relationship of the Global Information Grid to major DoD processes for requirements, resource management and provides policy direction for Global Information Grid configuration management, architecture, and the relationships with the Intelligence Community and Defense intelligence components.

1.3 Assigns management responsibilities for the managing the Global Information Grid on an Enterprise basis in compliance with the Clinger-Cohen Act of 1996 (reference (d)) and Title 10, U.S.C., Section 2223 (reference (a)).

1.4 Provides the guidance, policy framework and key policy principles for networks, computing, information assurance, information management, and network operations -- to

computing, information assurance, information management, and network operations -- to include their interoperability.

2. APPLICABILITY AND SCOPE:

2.1 This guidance and policy applies to:

2.1.1 The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies (see enclosure 1), and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.1.2 Information technology and its operation by DoD Intelligence Agencies, Service intelligence elements and other intelligence activities engaged in direct support of Defense missions. Global Information Grid implementation must comply with policy and responsibilities established herein and, wherever applicable, separate and coordinated Director of Central Intelligence (DCI) Directives and IC Policy.

2.1.3 All DoD acquisitions and procurements of Global Information Grid assets and services, consistent with the provisions of the Clinger-Cohen Act.

3. DEFINITIONS: Terms used in this issuance are defined in enclosure 1.

4. POLICY: It is the policy of the DoD that:

4.1 The Global Information Grid shall support all DoD missions with information technology, for national security systems, joint operations, Joint Task Force, and/or Combined Task Force commands, that offer the most effective and efficient information handling capabilities available, consistent with National Military Strategy, operational requirements and best value enterprise level business practices. (See the Global Information Grid Reference Model, enclosure (2).)

4.2 An enterprise wide inventory of Global Information Grid assets shall be established and maintained.

4.3 The Global Information Grid shall be planned, resourced, acquired, and implemented in accordance with the strategic principles delineated in the DoD Information Management (IM) Strategic Plan (reference (b)).

4.4 Global Information Grid assets shall be interoperable in accordance with approved requirements documents and compliant with the operational, system, and technical views of the Global Information Grid architecture.

4.5 All Global Information Grid assets shall maintain the appropriate levels of confidentiality, integrity, availability, authentication and non-repudiation through the use of information assurance safeguards and operational procedures specified in the Global Information Grid architecture and the Global Information Grid Information Assurance policy.

4.6 All DoD personnel performing Global Information Grid tasks shall be appropriately trained.

4.7 The Global Information Grid shall be based on a common, or enterprise-level, communications and computing architecture to provide a full range of information services at all major security classifications and information handling caveats.

4.8 All applications shall be planned, designed, and implemented to use common Global Information Grid assets. COTS applications shall be in compliance with the Global Information Grid architecture.

4.9 Plans, architectures, designs, hardware and software and supporting organizational resource details shall be available and accessible for the appropriate level of review/management to assure the effective management, engineering, operations, maintenance and sustainment of the Global Information Grid.

4.10 The Global Information Grid shall be implemented, operated and evolved through the acquisition of assets, procurement of services and operational procedures in compliance with the Global Information Grid architecture and approved business case analyses which consider best value. While total cost of ownership will be a factor in this determination, other aspects, such as utility to the warfighter, will be used to determine "best value."

4.11 The Global Information Grid architecture shall represent the Information Technology Architecture required by the Clinger-Cohen Act.

4.12 Global Information Grid operational requirements shall be identified in a manner consistent with the Requirements Generation System defined in reference (f).

4.13 An integrated database of Global Information Grid requirements shall be maintained in such a manner as to allow the aggregation and display of requirements.

4.14 Global Information Grid requirements which include Information Exchange Requirements (IER) and Key Performance Parameters (KPP) for interoperability shall be described in a consistent manner with the overall GIG operations architecture view.

4.15 Major Global Information Grid investment decisions shall be directly linked to the Defense Planning Guidance (DPG) and other recognized statements of DoD missions, goals and outcomes in support of the warfighters, policy makers and support personnel.

4.16 The portfolio of Global Information Grid program investments, corresponding to the computing and communications capabilities defined by the Global Information Grid computing and communications system reference model (see Enclosure 2), shall be reviewed annually to support the synchronization of resources among and within constituent programs via the DoD Planning Programming and Budgeting System (PPBS) and to assure synchronization and integration among programs with interdependencies (e.g., technical, functional, infrastructure, application, configuration management, training, and sustainment).

4.17 The Global Information Grid shall be implemented by the acquisition of assets and procurement of services based on the Global Information Grid architecture and approved business case analyses which consider best value and the benefits of business process reengineering from a DoD enterprise perspective.

4.18 All Global Information Grid acquisitions shall be planned and executed in compliance with DoDD 5000.1 (reference (g)) and DoD 5000.2-R (reference (h)) or other comparable authority officially recognized by the Department of Defense.

4.19 All Global Information Grid acquisitions and procurements, including upgrades or expansions of existing systems and services, shall comply with the Global Information Grid architecture.

4.20 All Global Information Grid acquisition agents shall use enterprise licensing and standard contracts to the maximum extent practical, consistent with the Clinger-Cohen Act. Leases, licenses and service contracts supporting the Global Information Grid shall be reviewed and revalidated annually to ensure requirements still exist.

4.21 Operational assets shall be available and accessible in sufficient detail to ensure architecture standards compliance, information security, operational effectiveness, efficiency and quality of service across the Global Information Grid.

4.22 Performance-based and results-based measures shall be developed for the Global Information Grid. These measures, including those established in Service Level Agreements and operational plans, shall be used to manage the Global Information Grid and provide customer satisfaction feedback.

4.23 Uniform configuration management of Global Information Grid assets will be established in order to ensure interoperability and security across the Global Information Grid.

4 RESPONSIBILITIES:

5.1 The DoD Chief Information Officer shall:

5.1.1 Serve as the Principal Staff Assistant for Information Management.

5.1.2 Develop and issue the DoD Information Management (IM) Strategic Plan and ensure that related strategic plans reflect the Global Information Grid architecture.

5.1.3 Develop, maintain, and enforce compliance with the Global Information Grid architecture, in coordination with the CIO Executive Board and the Architecture Coordination Council as appropriate, and direct the development of associated implementation and transition plans. Provide a Department-wide mission area architecture framework which will be used by DoD Agencies and Components to build Integrated Operational and Systems Architecture views.

5.1.4 Provide recommendations to the JROC for the development of DoD Global Information Grid requirements and direction to the Joint Chiefs of Staff for satisfying non-DoD requirements for Global Information Grid services validated by the Secretary of Defense.

5.1.5 Establish an investment strategy and a process to support the implementation of the Global Information Grid consistent with the operational and functional needs of the DOD and considering Joint and Defense wide priorities.

5.1.6 Establish compliance and enforcement mechanisms to achieve interoperability, information assurance and Global Information Grid program synchronization.

5.1.7 Ensure that Global Information Grid metrics are developed, effectiveness and customer satisfaction are measured and corrective actions are initiated.

5.1.8 Designate enterprise level providers and managers for the Global Information Grid.

5.1.9 Ensure that a managed process is in place to allow Components to certify that Global Information Grid acquisitions and procurements are in compliance with the Global Information Grid architecture.

5.1.10 Ensure that the Global Information Grid is placed under configuration management and that responsibilities for configuration management of Global Information Grid assets are assigned recognizing the importance of Component ownership as well as the need to potentially transcend Component boundaries.

5.1.11 Coordinate DoD liaison activities with other Federal Departments and Agencies, State and Local governments, and Allied Nations on matters regarding the Global Information Grid.

5.1.12 Consult, where appropriate, with comparable Intelligence Community authorities on matters of Global Information Grid policy, implementation and operation.

5.1.13 Develop and maintain a database containing the integrated inventory of Global Information Grid assets.

5.1.14 Develop and maintain an integrated database of aggregated Global Information Grid requirements.

5.1.15 Conduct an annual review of Global Information Grid portfolios as described in paragraph 4.16.

5.2 The OSD Principal Staff Assistants (PSAs), in addition to the responsibilities specified in paragraph 5.7, shall:

5.2.1 Require the use of Global Information Grid common computing and communications assets within their functional areas.

5.2.2 Coordinate with the DoD CIO to ensure that architectures developed to meet the combat support and business needs of the PSA accurately reflect and utilize current and planned common Global Information Grid assets.

5.3 The Under Secretary of Defense for Acquisition, Technology and Logistics, in addition to the responsibilities specified in paragraphs 5.2 and 5.7, shall ensure that acquisition programs and Advanced Concept Technology Demonstrations (ACTD) are planned and executed in compliance with the guidance and policy expressed herein.

5.4 The Under Secretary of Defense, Comptroller, will collaborate with the DoD CIO to, where necessary, identify and coordinate improvements to the identification and portrayal of IT resources in order to improve overall IT visibility.

5.5 The Director, Operational Test and Evaluation (DOT&E) shall ensure that Global Information Grid related operational test and evaluation includes Critical Operational Issues addressing interoperability and information assurance.

5.6 The Chairman of the Joint Chiefs of Staff, in addition to the responsibilities specified in paragraph 5.7, shall:

5.6.1 Ensure that Combatant Commanders identify and require Global Information Grid capabilities in the generation of requirements for support to Joint and Combined operations and that architectures developed to meet the mission area needs of the Combatant Commanders accurately reflect and utilize current and planned common Global Information Grid assets.

5.6.2 Develop Joint doctrine and associated Joint Tactics, Techniques, and Procedures (JTTP) for the Global Information Grid and ensure the compatibility of the Chairman of the Joint Chiefs of Staff Instructions (CJCSI) with Global Information Grid policy and guidance.

5.6.3 Develop the Joint Operational Architecture (JOA) that describes key information elements, information flow, and information exchanges that must occur in support of Combined/Joint Task Force (JTF) operations across all relevant mission areas.

5.7 The Heads of the DoD Components shall:

5.7.1 Populate and maintain their portion of the Global Information Grid asset inventory.

5.7.2 Ensure that Component architectures are developed and maintained in a manner that is consistent with and reflective of the Global Information Grid architecture.

5.7.3 Ensure that all Component subordinate elements coordinate with the Component CIO to ensure that all architectures developed to meet the functional needs of a Component accurately reflect and utilize current and planned common Global Information Grid assets.

5.7.4 Require the use of Global Information Grid common computing and communications assets within their functional areas.

5.7.5 Ensure that Component-managed portions of all Global Information Grid programs are planned, resourced, acquired, and implemented in accordance with the DoD Information Management (IM) Strategic Plan, Global Information Grid architecture and Defense resource priorities.

5.7.6 Ensure that Component acquired, procured or managed Global Information Grid assets are under formal configuration management to the extent necessary to establish and maintain information assurance, quality of service throughout the Global Information Grid over the lifecycle of the asset.

5.7.7 Provide configuration management of assigned Global Information Grid assets and actively support the overall Global Information Grid configuration management process.

5.7.8 Ensure that component-managed portions of the Global Information Grid are secure, assured, and interoperable, in accordance with the operational, system, and technical views of the Global Information Grid architecture.

5.7.9 Ensure that all component personnel performing Global Information Grid tasks are appropriately trained.

5.8 The Director, Defense Information Systems Agency, in addition to the responsibilities specified in paragraph 5.7, shall:

5.8.1 Develop, coordinate and maintain the DoD Joint Technical Architecture in coordination with the CINCs, Services and Agencies and sponsor its approval by the DoD Architecture Coordination Council (ACC).

5.8.2 Coordinate and maintain, in conjunction with the CINCs, Services and Agencies, the Common Operating Environment, for use by Command and Control (C2), Combat Support, Combat Service Support, and Intelligence information systems directly supporting a Joint Task Force (JTF) and Commands.

5.8.3 In conjunction with the CINCs, Services and Agencies, evolve the Common Operating Environment to meet the enterprise-wide requirements as defined by the Global Information Grid architecture.

5.9 The Component Chief Information Officers shall ensure that:

5.9.1 The Component's Information Management Strategic Plan is consistent with the DoD Information Management Strategic Plan.

5.9.2 Component architectures accurately reflect and utilize current and planned common Global Information Grid computing and communications assets.

5.9.3 All Component leased, owned, operated, or managed Global Information Grid systems, services, upgrades or expansions to existing systems or services are acquired or procured in compliance with the Global Information Grid architecture and the relevant Global Information Grid policies.

5.9.4 Component Global Information Grid plans, architectures, designs and assets are available and accessible for effective management and engineering.

5.9.5 Global Information Grid assets assigned to the Component maintain the appropriate levels of confidentiality, integrity, availability, authentication and non-repudiation.

5.9.6 Global Information Grid assets assigned to the Component are operated, maintained, and managed so as to be interoperable in accordance with the operational and system views of the Global Information Grid architecture.

5.9.7 Global Information Grid acquisition programs and procurements, including leases, licenses and service contracts, are reviewed annually in consultation with the DoD CIO to assure requirements currency, continued cross program synchronization and architecture compliance.

5.9.8 Global Information Grid operational effectiveness and customer satisfaction are measured, corrective actions taken and feedback provided to the DoD CIO upon request.

EFFECTIVE DATE: This guidance and policy is effective immediately. In the event of conflicts between this policy and other DoD or DoD Component information management or Global Information Grid guidance and policy, this issuance takes precedence.

Enclosure 1: Definitions

<u>Term</u>	<u>Definition</u>
Acquisition Executive	The individual, within the Department and Components, charged with overall acquisition management responsibilities within his or her respective organizations. The Under Secretary of Defense (Acquisition and Technology (A&T)) is the Defense Acquisition Executive (DAE) responsible for all acquisition matters within the Department of Defense. The Component Acquisition Executives (CAEs) for each of the Components are the Secretaries of the Military Departments or Heads of Agencies with power of redelegation. The CAEs, or designee, are responsible for all acquisition matters within their respective Components. The Department's Chief Information Officer (CIO) is the Department's Acquisition Executive for automated information systems (AISs) and establishes acquisition policies and procedures unique to AISs (DoDD 5000.1, Defense Acquisition).
Architecture	The structure of components, their relationships, and the principles and guidelines governing their design and evolution over time. It is composed of three major perspectives, operational, systems, and technical views. (C4ISR Architecture Framework)
Architecture, Joint Technical	The minimal set of rules governing the arrangement, interaction, and interdependence of system parts or elements, whose purpose is to ensure that a conformant system satisfies a specified set of requirements. The technical architecture view provides the technical systems-implementation guidelines upon which engineering specifications are based, common building blocks are established, and product lines are developed. The technical architecture view includes a collection of the technical standards, conventions, rules and criteria organized into profile(s) that govern system services, interfaces, and relationships for particular systems architecture views and that relate to particular operational views.
Defense Agencies	Ballistic Missile Defense Organization, Defense Advanced Research Projects Agency, Defense Commissary Agency, Defense Contract Audit Agency, Defense Finance and Accounting Service, Defense Information Systems Agency, Defense Intelligence Agency, Defense Legal Services Agency, Defense Logistics Agency, Defense Threat Reduction Agency, Defense Security Cooperation Agency, Defense Security Service, National Imagery and Mapping Agency, National Reconnaissance Office, National Security Agency.

End to End	The inclusion of all requisite components to deliver a defined capability. For the GIG, this implies all assets from the user access and display devices and sensors to the various levels of networking and processing, all associated applications, and all related transport and management services. For service networks, end-to-end encompasses service user to service user (e.g., PC-to-PC, phone-to-phone). For transport networks, end-to-end encompasses equipment-to-equipment (e.g., Service Delivery Point (SDP)-to-Service Delivery Point (SDP), router-to-router, PBX-to-PBX).
Enterprise	The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities.
Enterprise Network	Designated by the DoD CIO Executive Board as Enterprise Networks because they 1) provide a defined capability, 2) are available to serve multiple DoD components, 3) are consistent with the Global Information Grid architecture, 4) are managed with Enterprise-wide oversight, and 5) provide service to any user with a validated requirement.
Global Information Grid (GIG)	The globally interconnected, end-to-end set of information capabilities, associated processes and personnel for collecting, processing, storing, disseminating and managing information on demand to warfighters, policy makers, and support personnel. The GIG includes all owned and leased communications and computing systems and services, software (including applications), data, security services and other associated services necessary to achieve Information Superiority. It also includes National Security Systems as defined in section 5142 of the Clinger-Cohen Act of 1996. The GIG supports all Department of Defense, National Security, and related Intelligence Community missions and functions (strategic, operational, tactical and business), in war and in peace. The GIG provides capabilities from all operating locations (bases, posts, camps, stations, facilities, mobile platforms and deployed sites). The GIG provides interfaces to coalition, allied, and non-DoD users and systems.
Global Information Grid Architecture (GIGA)	The architecture, composed of interrelated operational, systems and technical views, which defines the characteristics of and relationships among current and planned Global Information Grid assets in support of National Security missions. The Global Information Grid architecture, developed in accordance with the standards defined in the C4ISR Architecture Framework and using the definitions contained within the Global Information Grid Reference Model, incorporates all major organizational relationships, information flows, Enterprise networks, systems configurations and technical standards pertaining to the design, acquisition and operation of the Global Information Grid.

Information Assurance	Information operations (IO) that protect and defend information and information systems by ensuring their availability, integrity, authentication, confidentiality, and non-repudiation. This includes providing for restoration of information systems by incorporating protection, detection, and reaction capabilities. (DoDD S-3600.1) For purposes of this definition the following meanings apply:
Information Assurance - Authentication	Authentication: Security measure designed to establish the validity of a transmission, message, or originator, or a means of verifying an individual's authorization to receive specific categories of information. (National Security Telecommunications Information Systems Security Instruction (NSTISSI) 4009)
Information Assurance - Availability	Availability: Timely, reliable access to data and information services for authorized users. (National Security Telecommunications Information Systems Security Instruction (NSTISSI) 4009)
Information Assurance - Confidentiality	Confidentiality: Assurance that information is not disclosed to unauthorized persons, processes, or devices. (National Security Telecommunications Information Systems Security Instruction (NSTISSI) 4009)
Information Assurance - Integrity:	Integrity: Protection against unauthorized modification or destruction of information. (National Security Telecommunications Information Systems Security Instruction (NSTISSI) 4009)
Information Assurance - Nonrepudiation	Nonrepudiation: Assurance the sender of data is provided with proof of delivery and the recipient is provided with proof of the sender's identity, so neither can later deny having processed the data. (National Security Telecommunications Information Systems Security Instruction (NSTISSI) 4009)
Information Handling Caveat	A phrase (e.g., Special Access Required, Restricted Information, For Official Use Only) that invokes special information management processes and procedures not related to Sensitive Compartmented Information (SCI).
Information Management	The planning, budgeting, manipulating, and controlling of information throughout its life cycle.
Information Superiority	The capability to collect, process and disseminate an uninterrupted flow of information while exploiting or denying an adversary's ability to do the same. (Joint Vision 2010)
Information Technology	Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. This includes equipment used by a Component directly or used by a contractor under a contract with the Component which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. The term also includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and

related resources. Notwithstanding the above, the term does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

Intelligence Community Interoperability	<p>The departments, agencies, and activities enumerated in Sec. 3, National Security Act of 1947, as amended, (50 USC 401a).</p> <p>The ability of systems, units, or forces to provide services to and accept services from other systems, units, or forces, and to use the services so exchanged to enable them to operate effectively together. The conditions achieved among communications-electronics systems or items of communications-electronics equipment when information or services can be exchanged directly and satisfactorily between them and/or their users. JSC Pub. 1</p>
Metropolitan Area Network (MAN)	<p>A system of links or a ring that interconnects a relatively high concentration of LANs together within a small regional area. It is normally used as the means to efficiently connect numerous LANs to each other as well as to a WAN(s). The MAN also provides switching and routing between the LANs as well as between the WAN and the LANs. The demarcation points for the MAN are the service delivery nodes at the campus, base, post, or station router/switch and the hub/router/switch of the WAN.</p>
National Security System	<p>Any telecommunications or information system operated by the United States Government, the function, operation, or use of which-</p> <ul style="list-style-type: none"> - (1) involves intelligence activities; (2) involves cryptologic activities related to national security; (3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions. <p>Does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications). (Title 10 U.S.C., Section 2315)</p>
Network Operations	<p>Organizations and procedures required to monitor, manage and control the Global Information Grid. Network operations incorporates network management, information dissemination management, and information assurance.</p>
Non-DoD 5000 Series Acquisitions	<p>Acquisitions such as grants, services or Advanced Concept Technology Demonstrations, which are not covered by DoDD 5000.1.</p>

OSD Principal Staff Assistants (PSAs).	The OSD PSAs are the Under Secretaries of Defense (USDs), the Director of Defense Research and Engineering (DDR&E), the Assistant Secretaries of Defense (ASDs), the Director, Operational Test and Evaluation (DOT&E), the General Counsel of the Department of Defense (GC, DoD), the Inspector General of the Department of Defense (IG, DoD), the Assistants to the Secretary of Defense (ATSDs), and the OSD Directors or equivalents, who report directly to the Secretary or the Deputy Secretary of Defense (DoDD 5025).
Service Level Agreement	Any type of management vehicle between a service provider and a customer that specifies performance requirements, measures, reporting, cost, and recourse.
Service Provider	Any type of organization internal or external to DoD who has designated responsibility for the operation of one or more of the GIG computing and communications assets.
Synchronization	Process of aligning program investments, development and implementation schedules to ensure the timely delivery of desired integrated assets.
Wide Area Network (WAN)	A system of links that are used to interconnect geographic regions. The WAN normally provides routing, switching, or gateway points to MANs, LANs, or other WANs.

Annotated Bibliography

Annotated Bibliography

The following source documents constituted the legal, regulatory, and policy framework for DoD CIO duties and responsibilities. Links to web pages are included to facilitate further research.

Law – Codified in the United States Code (USC) and the Code of Federal Regulations (CFR) (e.g., Title 32, National Defense at <http://www4.law.cornell.edu/cfr/32cfr.htm>. Official version of USC used by House of Representatives is located at <http://law2.house.gov/download.htm>; a more user friendly version maintained by the Legal Information Institute is at <http://www4.law.cornell.edu/uscode/>. Both versions contain notes showing how annual public laws adjust the USC (for example, SEC. 331 of the Strom Thurmond National Defense Authorization Act For Fiscal Year 1999 (Public Law 105-261) added Section 2223 to Chapter 131 of Title 10 USC. Public Laws are available at Thomas (US Congress on the Web) at <http://thomas.loc.gov/> as well as Conference and Committee Reports. Public Laws and other documents are available through the Government Printing Office at <http://www.access.gpo.gov/nara/nara005.html>

- Title 10, United States Code - Armed Forces
(<http://www.fas.org/irp/offdocs/laws/usc10.html>)
- Title 40, United States Code - Public Buildings, Property, and Works
(<http://www4.law.cornell.edu/uscode/40/>)
 - Public Law 104-106, “Information Technology Management Reform Act of 1996”
 - Public Law 105-261, “Strom Thurmond National Defense Authorization Act for Fiscal Year 1999”
- Title 44, United States - Public Printing and Documents
(<http://www4.law.cornell.edu/uscode/44/>)

Policy

- Executive Order 13011, “Federal Information Technology”, 17 July 1996
(<http://www.pub.whitehouse.gov/uri-res/I2R?urn:pdi://oma.eop.gov.us/1996/7/17/2.text.2>)
- OMB Memoranda (<http://www.whitehouse.gov/OMB/memoranda/index.html>)
 - M-96-20, “Implementation of the Information Technology Management Reform Act of 1996,” April 4, 1996
 - M-97-02, “Funding Information Systems Investments”, October 25, 1996
 - M-97-12, “Evaluation of Agency Implementation of Capital Planning and Investment Control Processes”, April 14, 1997
 - M-97-16, “Information Technology Architectures,” June 18, 1997
- OMB Circulars (<http://www.whitehouse.gov/OMB/circulars/index.html>):
 - A-130, Management of Federal Information Resources,” February 8, 1996
 - A-11, “Preparation and Submission of Budget Estimates”, November 10, 1999
- SecDef Memorandum, “Implementation of Subdivision E of the Clinger-Cohen Act of 1996”, 2 June 1997, available in the C3I Document Archive at <http://www.c3i.osd.mil/doc/>